EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2007-0619-MLM-E TCEQ ID NOS: RN102755089 AND RN101569879 CASE NO.: 34430 RESPONDENT NAME: EFFLUENT RECYCLING, INC.

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	X_MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
XWATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
X_MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
Commerce, Ranger, Eastland County (Facility TYPE OF OPERATION: hazardous wastes SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: The alleging that there were open pits leaking contruck at the property that was leaking diesely release/discharge of materials onto the soil investigation was conducted by TCEQ on No of hazardous materials at Facility 1; a TCEQ INTERESTED PARTIES: No one other the	e generation, storage, and disposal facility (Facility). No are are three complaints. On January 10, 2003, intaminated water into the water supply in the Claudian fuel. On October 13, 2004, a City of Fort Valuation of that also created a sheen on nearby standing	a complaint was received regarding Facility 2, ity of Ranger, and that there was an old tanker Worth inspection officer reported a significant water at Facility 1; an Emergency Response Q received a complaint alleging improper storage ious containers of waste on site.
CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Jennifer Co Ms. Lena Robe TCEQ Enforcement Coordinator TCEQ Regional Contact: Mr. Sa Respondent: Mr. Michael Martin, 76087	ook, Litigation Division, MC 175, (512) 239-18 orts, Litigation Division, MC 175, (512) 239-00 orts, Litigation Division, MC 175, (512) 239-00 orts Mr. Terry Murphy, Air Enforcement Division orm Barrett, DFW Regional Office, MC R-4, (8) Vice President, Effluent Recycling, Inc., 600 F ortseented by counsel on this enforcement matter.	373 19 n, MC 149, (512) 239-5025 17) 588-5903

RESPONDENT NAME: EFFLUENT RECYCLING, INC. DOCKET NO.: 2007-0619-MLM-E

VIOLATION SUMMARY CHART: PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED Calculated Penalty: \$86,660 The Executive Director recognizes that Effluent Type of Investigation: ceased operations at Facility 2 on or about May Total Assessed: \$86,660 x Complaint 2008, as a result of foreclosure. _x_Routine ___ Enforcement Follow-up Total Deferred: \$83,060 Technical Requirements: Expedited Order Records Review X Financial Inability to Pay The Respondent shall undertake the following SEP Conditional Offset Dates of Complaints Relating to this Case: technical requirements at Facility 1: January 10, 2003; October 13, 2004; November Total Paid/Due to General Revenue: 15, 2005 1. Immediately: \$100/\$3,500 Dates of Investigation Relating to this Case: a. Develop and implement procedures to Facility 1: June 6, 2001; October 23, 2001; The Respondent paid \$100 of the administrative prevent any unauthorized discharges of February 15, 2002; February 19, 2002; and penalty not deferred. The remaining amount of wastes, used oil, and any other materials; \$3,500 shall be payable in 35 monthly August 2, 2007 installments of \$100 each. Facility 2: April 16, 2003. b. Begin maintaining documentation of inspections conducted on the in-ground Dates of NOEs Relating to this Case: Facility 1: tank and the on-site storage tank; and August 31, 2001; April 30, 2002; May 21, 2003; Site Compliance History Classification __ High X Average __ Poor and March 26, 2007. c. Remove hazardous waste exceeding the 90 day storage limitation and ensure it is Facility 2: delivered to an authorized treatment, **Background Facts:** This case involves four consolidated enforcement Site Compliance History Classification storage, or disposal facility. actions (2575, 11640, 33242, and 34430). The X High Average Poor EDPRP for case 2575 was filed April 23, 2004. 2. Within 30 days: The EDPRP for case 11640 was filed June 8, Person Compliance History Classification __ High _X Average __ Poor 2004. The EDPRP for the consolidated case was a. Ensure that hazardous waste storage tanks filed March 31, 2008. The Respondent filed an are in compliance with secondary Major Source: ___ Yes __ X No answer and the case was referred to SOAH. containment requirements; Settlement was achieved January 22, 2009. Applicable Penalty Policy: September 2002 b. Conduct an appropriate hazardous waste **Current Compliance Status:** determination on all wastes generated at The Respondent no longer owns the Facility the Facility; located in Ranger (Facility 2). No compliance documentation has been received regarding the c. Provide additional training to personnel in Technical Requirements. order to ensure that hazardous waste containers are closed, except when necessary to add or remove waste, and to MLM: ensure that containers holding ignitable Facility 1: waste are at least fifty feet from the Facility's property line; 1. Failed to obtain a permit to store hazardous waste [30 Tex. ADMIN. CODE §§ 335.2(a) and e. Provide a written assessment reviewed and 335.43(a) and 40 CFR § 270.1(c)]. certified by an independent, qualified, registered professional engineer attesting that the in-ground tank on-site storage tank 2. Failed to provide a written assessment that number 330 have sufficient structural was reviewed and certified by an integrity and are acceptable for the storing independent, qualified registered professional and treating of hazardous waste; and engineer attesting that the tank and tank system had sufficient structural integrity and f. Provide additional training to personnel in was acceptable for the storage and treatment order to ensure that notification of of hazardous waste [30 Tex. ADMIN. CODE reportable discharges or spills are made. § 335.112(a)(9) and 40 CFR § 265.192].

RESPONDENT NAME: EFFLUENT RECYCLING, INC. DOCKET NO.: 2007-0619-MLM-E

VI	OLATION SUMMARY CHART:		
	VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
3. 4. 5. 7. 8.	Failed to install and maintain secondary containment which is designed to prevent any migration of wastes or accumulated liquids out of the system into the soil, groundwater, or surface water [30 Tex. ADMIN. CODE § 335.112(a)(9) and 40 CFR § 265.193]. Failed to provide documentation for inspections conducted on the tank system [30 Tex. ADMIN. CODE § 335.112(a)(9) and 40 CFR § 265.195(g)]. Failed to prevent the disposal of industrial solid waste in such a manner to cause the discharge or imminent threat of discharge into or adjacent to the waters in the state without specific authorization [30 Tex. ADMIN. CODE § 335.4(1)] Failed to conduct complete hazardous waste determinations [30 Tex. ADMIN. CODE § 335.62 and 40 CFR § 262.11]. Failed to make notifications of reportable discharges or spills into the environment within 24 hours [30 Tex. ADMIN. CODE §§ 327.3(b) and 327.5(c)]. Failed to close hazardous waste containers except when necessary to add or remove waste, and failed to maintain containers holding ignitable waste at least fifty feet from the Facility's property line [30 Tex. ADMIN. CODE § 335.112(a)(8) and 40 CFR §§ 265.173 and 265.176]. Failed to provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled, including, but not limited to, loading docks, parking areas, storage areas, and any other areas where shipments of used oil are held for more than 24 hours [30 Tex. ADMIN. CODE § 324.22(d)(3)]. Failed to obtain a registration for transporting and storing used oil [30 Tex. ADMIN. CODE §§ 324.11(2) and 324.4(2)(C)(i)].	,我没有什么的"DSP"。 "我们是一家,我们是一家的人,我们就是这种的人,我们就是我们的	International Conference of the Conference of th
11.	Failed to establish and maintain financial assurance for soil remediation [30 Tex. Admin. Code §§ 37.2011 and 324.22(b), (c), and (e)].		·
	Failed to prevent the discharge of used oil to surface soils from tanks and containers [30 Tex. ADMIN. CODE § 324.4(1)].		
13.	Failed to permanently remove from service or bring into timely compliance with upgrade requirements an existing Underground Storage Tank ("UST") system [30 Tex. Admin. Code § 334.47(a)(2)].		

RESPONDENT NAME: EFFLUENT RECYCLING, INC.

DOCKET NO.: 2007-0619-MLM-E

VI	OLATION SUMMARY CHART:		
	VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
14.	Failed to prevent the discharge of wastes from tanks and containers to surface soils [30 Tex. ADMIN. CODE §335.4(1)].		
15.	Failed to limit storage of hazardous waste to 90 days or less, and failed to prevent the accumulation and/or storage of hazardous waste in tanks without adequate secondary containment, integrity assessment, and recordkeeping [30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 CFR § 265.190].		
16.	Failed to conduct an appropriate hazardous waste determination on wastes generated at the Facility [30 Tex. ADMIN. CODE § 335.62 and 40 CFR § 262.11].		,
Fac	cility 2:		
1.	Failed to deed record and failed to comply with written or electronic notification requirements for the disposal of industrial solid waste [30 Tex. Admin. Code §§ 335.5 and 335.6(a)].		
2.	Failed to manage used oil in such a manner so as to not endanger the welfare of the environment [30 Tex. ADMIN. CODE § 324.4, 40 CFR § 279.12(a), and Tex. WATER CODE § 26.121].		
3.	Failed to maintain six 12,000 gallon used oil tanks in good condition with no visible leaks and labeled or marked clearly with the words "Used Oil" [30 Tex. ADMIN. CODE § 324.6 and 40 CFR § 279.22].		
4.	Failed to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii) and failed to have a facility analysis plan [30 Tex. ADMIN. CODE §§ 324.1 and 324.12(3), and 40 CFR §§ 279.44(a), 279.53(a), and 279.57].		
5.	Failed to maintain and operate the Facility to minimize the possibility of a fire or explosion. [30 Tex. ADMIN. CODE § 324.12 and 40 CFR § 279.52].		

Page 1 of 1 04/02/09	H:\ENFORCE\AGENDA\B	ackup In Review Pro	cess\JCook\Effi	uent Recycling\	4 59500 PCV	√ Facility 1-ihw.qpv
Policy Revision 2 (09/		y Calculation	vvorksnee	et (PCVV)	i	PCW Revision 11/15/02
ICEQ						
DATES	16-Dec-2003 Scree	ning 4-Jun-2002	Priority Due	2-Oct-2002	EPA Due	
RESPONDENT INFORMAT		1 001 2002]			
	Effluent Recycling Inc.					
Respondent/Site ID No(s).		-			-	
	4 - Dallas/Fort Worth	<		Major/Mir	or Source N	/linor <
CASE INFORMATION						
Enf./Case ID No(s).	34430					
Docket No.	2007-0619-MLM-E			No.	Violations 8	
Case Priority	3 <		1	Order Type	1660 without	1 (
Enf. Coordinator			EC'	s Unit/Region	Team 4	<
Media Program(s)	Industrial and Hazardous V			·		
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000	***************************************	*******************************	
	F	Penalty Calcula	ation Secti	on		
TOTAL BASE PENALT	Y (Sum of violation bas	se penalties)		,	Subtotal 1	\$59,500
		•				
ADJUSTMENTS (+/-) T	ained by multiplying the Total Base	Bonoity (Subtotal 1) by the	indicated percents	0.00		+
Compliance His			Enhancement		als 2, 3 & 7	\$0
Compliance in	1					
Notes	No adjustments are	recommended based classification.	on Average Pe	errormer		+
Culpability		0%	Enhancement	,	Subtotal 4	\$0
	No Select Yes/No	•			<u> </u>	
Notes		nt does not meet the o	culpability criter	ia.		
Good Faith Effe	ort to Comply	. 0%	Reduction		Subtotal 5	\$0
		RP/Settlement Offer			<u></u>	
Extraordinary						
Ordinary						
None of the above	X (mark with sm	nall x)				+
Notes	The respondent d	loes not meet the goo	od faith effort cri	teria.	•	
Economic Ben	ofit	0%	Enhancement*		Subtotal 6	\$0
LCONOTING Den	. \$1,578 Total EB Am		*Capped at the To			Ψ0
	\$12,300 Approx. Cos		cappos at me 70			=
		it of Compilation				
SUM OF SUBTOTALS	1-7			Final	Subtotal	\$59,500 +
OTHER FACTORS AS	JUSTICE MAY REQUI	RE		А	djustment	\$0
Reduces or enhances the Final Sub		(enter number only;	e.g30 for -30%)		-,	
Notes		j.			_	=
				Final Penalty	y Amount∟	\$59,500
STATUTORY LIMIT AD	JUSTMENT		. 1	Final Assesse	d Penalty	\$59,500 -
DEFERRAL	· Defo	erral	Reduction	А	djustment	 \$0
Reduces the Final Assessed Penali	ty by the indicated percentage.	(enter number only;	e.g. 20 for 20% red	luction)	-	
Notes	No deferral is recommende	ed because settlemen the expedited proces		ved through		=
DAVABLE DENALTY					Г	\$59 500



So	creening Date	4-Jun-2002 Docket	Number 20		
~	_	Effluent Recycling Inc.			cy Revision
	Case ID No.	• •		PC	W Revision
sponder	nt/Site ID No.	RN101569879			
•		Industrial and Hazardous Waste			
	. Coordinator				
1,51111	Site Address		76116	TOURTH OF THE STREET	
	Dite Madi ess		A. A		
		Compliance History Worksheet			
	Compliance H	listory Site Enhancement (Subtotal 2)		·····	anni company con
	Component	Number of	Enter Num	ber Here	Adjust.
	NOVs	Written NOVs with same or similar violations as those in the curre enforcement action (number of NOVs meeting criteria)	ent	0	0%
		Other written NOVs		0.	0%
		Any agreed final enforcement orders containing a denial of liabilit (number of orders meeting criteria)	у	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforceme orders without a denial of liability, or default orders of this state or federal government, or any final prohibitory emergency orders iss the commission	r the	0	0%
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees co a denial of liability of this state or the federal government (numbe judgements or consent decrees meeting criteria)	er of	0	0%
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjúdicated final court judgments or consent decrees without of liability, of this state or the federal government		0	0%
	Convictions	Any criminal convictions of this state or the federal government (of counts)	(number	0	0%
	Emissions	Chronic excessive emissions events (number of events)		0	0%
	Audits	Letters notifying the executive director of an intended audit conduunder the Texas Environmental, Health, and Safety Audit Privileg 74th Legislature, 1995 (number of audits for which no violations violations violations vi	e Act,	0	0%
	Audits	Disclosures of violations under the Texas Environmental, Health, Safety Audit Privilege Act, 74th Legislature, 1995 (number of aud which violations were disclosed)	lits for	0	0%
	·		Please enter Y		
		Environmental management systems in place for one year or mo		No	0%
	Othor	Voluntary on-site compliance assessments conducted by the exe director under a special assistance program	cutive	No	0%
	Other	Participation in a voluntary pollution reduction program		No	0%
		Early compliance with, or offer of a product that meets future state federal government environmental requirements	e or	No	0%
	Special designation of the original designation of the ori	Adjusti	ment Percer	ntage (Si	
	Reneat Violat	or (Subtotal 3)			:
	No <	·	ment Percer	ntage (Si	ubtotal 3)
		listory Person Classification (Subtotal 7)		J (3)	-/ S.ma
	Average Perfo	rmer Select High, Average or Poor Adjusta	ment Percer	ntage (Si	ubtotal 7)
!'					
ірнапс	ce History Sum Compliance History		erformer clas	sification).
	Notes				

3 of 18 04/02/09	H:\ENFORCE\AGENDA\Backup In Review		
Screening 1	Date 04-Jun-02 Docket Nun	nber 2007-0619-MLM-E	PCW Policy Revision 2 (09/02)
Respon	lent Effluent Recycling Inc.		PCW Revision 11/15/02
1	No. 34430		PCVV Revision 11/15/02
Respondent/Site ID			
Media [Stat	ute] Industrial and Hazardous Waste		
Enf. Coordin	ator Terry Murphy		
Violation Nun			
Primary Rule	Cite 30 Tex. Admin. Code §§ 335.2(a	a); 335.43(a) and 40 CFR § 270.	1(c)
Secondary Ci			
Violation Descrip	#3, the in ground tank and frac tanks investigations conducted on October that the on-site storage tank #3, the	#1 & #2. Specifically, sample re 23, 2001 and February 19, 2002	esults from Prindicated
	The state of the s	Bas	e Penalty \$10,000
» Environmer	ital, Property and Human Health Mat		*
" Livilonino	Harm	.	•
Ral	ease Major Moderate Mir	or -	•
1	ctual to the state	<u></u>	
	ntial	Percent	•
i rote	IIIIai		
» Programma	tic Matrix		•
ū		nor	
Falsificatio	n Major Moderate Mir	Percent	10%
		Terecit	1070
Matrix Notes	100% of the rule requirement was no	ot met.	•
	. 4	Adjustment	-\$9,000
,	·	Base Penalty	
Violation Ev	rente	Dust I sharey	
	of Violation Events 18		
Number	of violation Events		
	nall x daily	1	
mark only one; use s	monthly ×	l .	
	quarterly	•	•
	semiannual	Violation Base	Penalty \$18,000
		Violation Base	7 - 710100
	annual		
	single event		
Events Eighteen m (dat	onthly events are recommended from the perestrian to the perestrian of inspection) to April 6, 2003 (settlement	eriod of October 23, 2001 termination date).	
Economic I	enefit (EB) for this violation	Statutory Limit Test	
Estima	ted EB Amount (\$) \$279	Violation Final Pena	alty total \$18,000
	This Violation Final Asse	essed Penalty (adjusted fo	or limits) \$18,000

Page 4 of 18 04/02/09	H:\ENFORCE\A	GENDA\Backup Ir				<u>\A 59500 PCW F</u>	acility 1-ihw.qpw
		Economic	Benefit Wo	rkshee	et		
Respondent	Effluent Recycling	Inc.					
ID Number(s)	34430					Percent	Years of
Media [Statute]	Industrial and Haza	ardous Waste				Interest	Depreciation
Violation Number	1 .					5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Description	140 Collinas Ol W		•				
Deleved Conto	•						• .
Delayed Costs Equipment	г	1		0.0	\$0	\$0	\$0
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0
-					\$0 \$0	\$0 \$0	
Other (As needed)				0.0	\$0 \$0	\$0 \$0	\$0
Engineering/construction.	<u> </u>			0.0	\$0 \$0		\$0 \$0
Land				0.0		n/a	
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	20 500	00 0-4 0004	17-Jan-2004	0.0	\$0	n/a	\$0
Permit Costs	\$2,500	23-Oct-2001	17-Jan-2004	2.2	\$279	n/a	\$279
Other (As Needed)		<u> </u>		0.0	\$0	n/a	\$0
Notes for DELAYED costs					-4		
		Estimated	cost to obtain a p	ermit for	storing hazardous	s waste.	
,		ampione					
						4 6 4	
Avoided Costs	<i></i>	ANNUALIZE [1] av	voided costs be		ering item (excep	ı	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0 80
Inspection/Reporting/Sampling			,	0.0	\$0	\$0	<u> </u>
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
							
					_		
Approx Cost of Compliance	\$2,500				1	OTAL	\$279
,							•

e 1 of 1	04/02/09 H:\EN	NFORCE\AGENDA\Backup In Review	w Process\JCook\Effluent Recyc	ling\A 59500 PC\	
	Screening Date	04-Jun-02 Docket Nu	umber 2007-0619-MLM-E		PCW
	Respondent	Effluent Recycling Inc.		=	sion 2 (09/02)
	Case ID No.	34430		PCW Revis	sion 11/15/02
Respon	ndent/Site ID No.	RN101569879			
	Media [Statute]	Industrial and Hazardous Waste			
	Enf. Coordinator	Terry Murphy			
7	Violation Number	2			
P	rimary Rule Cite	30 Tex. Admin. Code § 33	35.112(a)(9) and 40 CFR § 265.1	92	
	Secondary Cite(s)				
Viol	ation Description	independent, qualified registered p and tank system had sufficient str storage and treatment of hazard unable to provide any written asses an independent, qualified, register	professional engineer attesting the ructural integrity and was accepta lous waste. Specifically, Respon ssments that were reviewed and	at the tank able for the dent was certified by	
			Ba	ase Penalty	\$10,000
»	Environmental.	Property and Human Health M		-	•
1		Harm			
	Release		Minor		
OR	Actual	Major Moderate A			
OK	Potential		Percent		
	i otentar	<u> </u>	Aman		
»	Programmatic N	 Natrix			
"	Falsification		Minor		
OR	Faisilication	x Woderate	Percent	10%	•
0/1	<u></u>		Tercont	10 /0	
Matrix		100% of the rule requirement was	not met.		
Notes					
			Adjustment	-\$9,000	
		•	Base Penalt	ty Subtotal	\$1,000
	Violation Events		÷	J	•
		olation Events 1			
	ramper or v	oracion 2 vones			
merk	k only one; use small x	daily			
mum	Comy one, acc chian x	monthly	1		
		quarterly			
		semiannual	Violation Bas	e Penaltv	\$1,000
		annual	313100711 - 113		T
		single event X	-		
] Shighe event			
Events	One single ever	it is recommended based on the Feb	oruary 15, 2002 investigation		
Notes		. date.			
	Economic Bene	fit (EB) for this violation	Statutory Limit Test		
				>nation-1	
	Estimated I	EB Amount (\$) \$144	Violation Final Per	nalty total	\$1,000
		This Violation Final Ass	sessed Penalty (adjusted	for limits)	\$1,000
				- immetum	

	04/02/09	H:\ENFURCE\A	SENDAIBACKUP II	1 Review Process	SIJCOOKI	Effluent Recycling	M 39300 PCVV F	acility 1-inw.qpw
			Economic	Benefit Wo	rkshee	et		
	Respondent	Effluent Recycling	inc.			F		
II	Number(s)	34430					Percent	Years of
Med	dia [Statute]	Industrial and Haza	ardous Waste				Interest	Depreciation
	ion Number	2					5.0	15
		ltem	Date	Final	Yrs	Interest	Onetime	EB
_	Item	Cost	Required	Date		Saved	Costs	Amount
De	escription	No commas or \$					•	Ť.
D-1-								
Dela	ayed Costs	Г	· ·		0.0	, \$0	\$0	\$0
	Equipment				0.0			
	Buildings				0.0	\$0	\$0	\$0
	r (As needed)				0.0	\$0	\$0	\$0
Engineering	g/construction				0.0	\$0	\$0	\$0
	Land				0.0	\$0	n/a	\$0
	eeping System				0.0	\$0	n/a	\$0
Trair	ning/Sampling				0.0	\$0	n/a	\$0
Remedia	ation/Disposal				0.0	\$0	n/a	\$0
	Permit Costs				0.0	\$0	n/a	\$0
						i i		
	er (As Needed) ELAYED costs	\$1,500 Estimated cos	15-Feb-2002	17-Jan-2004 n assessment the	1.9 at is revie	\$144 ewed and certified	n/a by an independe	\$144 nt, qualified
			L		at is revie	ewed and certified		
Notes for DE		Estimated cos	t to provide writte	n assessment the	at is revie ofessiona	ewed and certified	by an independe	nt, qualified
Notes for DE	ELAYED costs	Estimated cos	t to provide writte	n assessment the	at is revie ofessiona	ewed and certified at engineer. ering item (excep	by an independe	nt, qualified voided costs) \$0
Notes for DE	ELAYED costs	Estimated cos	t to provide writte	n assessment the	at is revie ofessiona fore ente	ewed and certified al engineer. ering item (excep	by an independe	nt, qualified
Notes for DE	ELAYED costs ided Costs Disposal Personnel	Estimated cos	t to provide writte	n assessment the	of is revie ofessiona fore ente	ewed and certified at engineer. ering item (excep	by an independe	nt, qualified voided costs) \$0
Notes for DE Avoi	ELAYED costs ided Costs Disposal Personnel	Estimated cos	t to provide writte	n assessment the	fore ente	ewed and certified all engineer. ering item (excep	by an independe	nt, qualified roided costs) \$0
Notes for DE Avoi Inspection/Repor	ided Costs Disposal Personnel ting/Sampling	Estimated cos	t to provide writte	n assessment the	fore ente	ewed and certified at engineer. ering item (excep \$0 \$0 \$0	t for one-time av	nt, qualified roided costs) \$0 \$0 \$0
Notes for DE Avoi Inspection/Repor	ided Costs Disposal Personnel ting/Sampling Supplies/equip Assurance [2]	Estimated cos	t to provide writte	n assessment the	fore ente	ewed and certified at engineer. ering item (excep \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	t for one-time av	nt, qualified voided costs) \$0 \$0 \$0
Notes for DE Avoi Inspection/Repor S Financial ONE-TIME av	ided Costs Disposal Personnel ting/Sampling Supplies/equip Assurance [2]	Estimated cos	t to provide writte	n assessment the	fore ente	ewed and certified at engineer. ering item (excep \$0 \$0 \$0 \$0 \$0 \$0	t for one-time average solutions of the solution of the soluti	nt, qualified voided costs) \$0 \$0 \$0 \$0 \$0
Notes for DE Avoi Inspection/Repor S Financial ONE-TIME av.	ided Costs Disposal Personnel ting/Sampling Supplies/equip Assurance [2] oided costs [3]	Estimated cos	t to provide writte	n assessment the	fore enter 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ewed and certified at engineer. Pring item (exception of the second of	t for one-time av \$0 \$0 \$0 \$0 \$0 \$0 \$0	nt, qualified voided costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DE Avoi Inspection/Repor S Financial ONE-TIME av.	ided Costs Disposal Personnel ting/Sampling Supplies/equip Assurance [2] oided costs [3] er (as needed)	Estimated cos	t to provide writte	n assessment the	fore enter 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ewed and certified at engineer. Pring item (exception of the second of	t for one-time av \$0 \$0 \$0 \$0 \$0 \$0 \$0	nt, qualified voided costs) \$0 \$0 \$0 \$0 \$0 \$0

	04/02/09 H:\EN				ess\JCook\Effluent Red 2007-0619-MLM-E	en Til more en hom i Till sentre en home en ho	PCW
	_	Effluent Recycli	na Inc.			Policy Re	vision 2 (09/02)
	Case ID No.		ing inter			PCW Re	evision 11/15/02
Resno	ndent/Site ID No.						
itespoi	Media [Statute]		lazardous Waste	<u>a</u>			
,	Enf. Coordinator		020,000	-			
	iolation Number	3	1				
	rimary Rule Cite	30 Te:	x. Admin. Code	§ 335.112(a	a)(9) and 40 CFR § 265	5.193	
	Secondary Cite(s)			<u> </u>			
	ation Description						
		Failed to ins installed and liquids out of th during the u	d operated to pre ne system to the use of the tank s	event any m soil, ground ystem. Spe	y containment which is igration of wastes or a d water, or surface wat ecifically, there was no cor on-site storage tan	ccumulated er at any time secondary	
	,		*****	•	**************************************	Base Penalty	\$10,000
»	Environmental,	Property and	Human Healtl	h Matrix		J (•
			Harm		j		•
	Release	Major	Moderate	Minor	~		
OR	Actual	THE STATE OF THE S	1				•
OK	Potential		×		Percent	10%	
	·	L	<u></u>	السسسال			
»	Programmatic M	/latrix					
"	Falsification	Major	Moderate	Minor	·		
OR	Paisincation	Iviajoi	1 Woderate		Percent		
J.			<u> </u>	الــــــال	I	ś	
Matrix Notes	Human health and of pollutants whic	h would not exce	nt will or could be eed levels that a ee environment.	exposed to	o significant amounts e of human health or		•
				,	Adjustment	-\$9,000	
					=	alty Subtotal	\$1,000
	Violation Events				Dase I ell	aity Subtotai	\$1,000
			7	1			·
	Number of vi	olation Events	<u></u>]]			
,		daily		1	1		
mark	only one; use small x	monthly		1	I		
	ļ	quarterly		1			
		semiannual	<u></u>	1	Violation B	ase Penalty	\$7,000
		annual		1 .	· Violation B	ace remaining	
		aiiiiuai		-	^ .		•
	İ	ainala avant		_]			
	I	single event					
Events	Seven quarterly	-		the period o	of October 23, 2001	1	
Events Notes	Seven quarterly (date of i	-	mmended from	the period o	of October 23, 2001 nation date).		
	(date of in	events are reconspection) to Api	mmended from tril 6, 2003 (settle	ement termi	nation date).		
	Seven quarterly (date of in Economic Bene	events are reconspection) to Api	mmended from tril 6, 2003 (settle	ement termi	of October 23, 2001 nation date). Statutory Limit Tes	st	·
	(date of in	events are reconspection) to Api	mmended from tril 6, 2003 (settle	ement termi	nation date).	! ""	\$7,000

Page 8 of 18 04/02/09	H:\ENFORCE\A				Effluent Recycling	NA 59500 PCW F	acility 1-ihw.qpw
		Economic	Benefit Wo	rkshee	et		
Respondent	Effluent Recycling	Inc.			г		
ID Number(s)	34430		·			Percent	Years of
Media [Statute]	Industrial and Haza	ardous Waste				Interest	Depreciation
Violation Number	3				. L	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	. \$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)	\$3,000	23-Oct-2001	17-Jan-2004	2.2	\$335	n/a	\$335
					ondary containme		
Avoided Costs	A	NNUALIZE [1] a	voided costs be		ering item (excep	1	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0 \$0	\$0	\$0
Financial Assurance [2]				0.0		\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		I.		0.0	\$0	\$0]	\$0
Notes for AVOIDED costs							
Approx Cost of Compliance	\$3,000		•		7	TOTAL [\$335

		FORCE\AGENDA\Backup In Review Proce		Igva 59500 PCVV	
	Screening Date		2007-0619-MLM-E	Policy Revisio	PCW
	•	Effluent Recycling Inc.		PCW Revisio	
	Case ID No.			FCW Revisio	11 11/15/02
Respo	ndent/Site ID No.	RN101569879			
1	• -	ndustrial and Hazardous Waste			
	Enf. Coordinator	erry Murphy			
	Violation Number	4			
	rimary Rule Cite	30 Tex. Admin. Code § 335.112(a	i)(9); 40 CFR § 265.195(g)		
	Secondary Cite(s)				
Viol	ation Description	Failed to provide documentation for inspect Specifically, there was no documentati conducted any inspections of the in-ground #3.	ion to indicate that Respon	dent	
			Base	Penalty	\$10,000
»	Environmental.	roperty and Human Health Matrix		J	•
		Harm			
	Release	Major Moderate Minor		,	
OR	Actual	Major Mederate Nume.			
OK	Potential		Percent		
	. Foterinai		T CI COIL		
	Drogrammatic N	atrix			
»	Programmatic N				
OR	Falsification	Major Moderate Minor	Percent	10%	
UK			reicent	1070	
Matrix Notes		100% of the rule requirement was met.			• .
			Adjustment	-\$9,000	:
			Base Penalty		\$1,000
	Violation Events		Buse I charty	Subtotui	Ψ1,000:
	Number of Vi	lation Events 1			
	Number of vi	ation Events			
	,	daily	1		·
mark	conly one; use small x		I		
		monthly			·
		quarterly	Violation Base	Popalty	\$1,000
-		semiannual	Violation base	renally	φ1,000
		annual			
	,	single event X			
Events				•	
Notes	One single event i	recommended based on the October 23, 2	2001 inspection date.		
	L	· ·			
i	,				
	Economic Bene	t (EB) for this violation	Statutory Limit Test		
COLUMN TO THE PROPERTY OF THE		t (EB) for this violation 3 Amount (\$) \$11	Statutory Limit Test Violation Final Pena	ity total	\$1,000

Page 10 of 18 04/02/09	H:\ENFORCE\A					g\A 59500 PCW I	Facility 1-ihw.qpw
		Economic	Benefit Wo	rkshee	et		
Respondent	Effluent Recycling	Inc.					
ID Number(s)	34430					Percent	Years of
Media [Statute]	Industrial and Haza	ardous Waste				Interest	Depreciation
Violation Number	4				L	5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						
D - I I O t							
Delayed Costs	r T				ma		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	. \$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	. \$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)	\$100	23-Oct-2001	17-Jan-2004	2.2	\$11	n/a	\$11
Notes for DELAYED costs							
		Estimate	ed cost to conduct	t inspection	ons of the tank sy	stem.	
						Mintil (o-Manufa) and a second of the option	
•			•				
Avoided Costs	Δ,	NNUALIZE [1] a	voided costs be		ring item (excep	t for one-time a	voided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	. \$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx Cost of Compliance	\$100				T	OTAL	\$11
							,

· .

l of 18	·~~···				ess\JCook\Effluent Rec	ycling∖A 59500 F	
	Screening Date			t Number	2007-0619-MLM-E	Ballau D	PCW
	-	Effluent Recycli	ng Inc.			· ·	ision 2 (09/02) vision 11/15/02
	Case ID No			•		PCW Rev	151011 11/15/02
Respon	ndent/Site ID No	RN101569879					
	Media [Statute]		azardous Wast	9			
	Enf. Coordinator		7				
	iolation Number						
	rimary Rule Cite		30 Tex.	Admin. Cod	le § 335.4(1)		
	Secondary Cite(s)						
VIOI	ation Description	such a manne adjacent to the there were sig earthen floor a the open top o	r to cause the dewaters in the sometimes of the sometimes	ischarge or i tate without ts of oils and nance waters affecting the	I solid waste or municip mminent threat of disch specific authorization. I contaminated water sit appeared to have disc tank and the adjacent so of radius of the tank.	narge into or Specifically, tting on the harged from	
		1100/41			E	Base Penalty	\$10,000
»	Environmental,	Property and	Human Healt	h Matrix			.*
		•	Harm] .		•
	Release	Major	Moderate	Minor			•
OR	Actua			х	***		•
	Potentia				Percent	10%	•
				······································			•
»	Programmatic !	Matrix					•
	Falsification	Major	Moderate	Minor	,~~	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	•
OR					Percent		-
Matrix Notes	Human health of pollutants which	do not exceed le	t has been expo vels that are pro environment.	osed to insignate of hu	nificant amounts of uman health or the		•
					4 4:	\$0.000	•
		,			Adjustment	-\$9,000 ·	P4 000
	Minintian Frank	_			Base Pena	Ity Subtotal	\$1,000
	Violation Event		3	1			•
	Number of v	iolation Events		<u>.</u>			
	rankranar usa amalis	daily		1			
mark	only one; use small x	monthly			l		
		quarterly		1			
		semiannual			Violation Ba	se Penaltv	\$3,000
		annual	×	1	7.0.00011 Da		40,000
		single event					
		I suidic event		<u> </u>			-
Events Notes		ate of inspection)		(date of scre	s from the period of eening) to make the		
	Economic Bene	efit (EB) for this	s violation		Statutory Limit Test		1 (2/2/2/2/2)
	Estimated	EB Amount (\$)	\$131		Violation Final Pe	enalty total	\$3,000
		This Vic	olation Final	Accessed	l Penalty (adjusted	for limits)	\$3,000

Page

Page 12 of 18	04/02/09	H:\ENFORCEV	AGENDA\Backup	In Review Proces	ss\JCook\	Effluent Recyclin	g\A 59500 PCW	Facility 1-ihw.qpw
			Economic	Benefit Wo	rkshee	et		
Re	espondent	Effluent Recycling	Inc.			-		
ID _i N	lumber(s)	34430					Percent	Years of
Media	[Statute]	industrial and Haz	ardous Waste				Interest	Depreciation
Violatior	1 Number	5					5.0	15
		Item	Date	Final	Yrs	Interest	Onetime	EB
	ltem cription	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delaye	ed Costs							
;	Equipment				0.0	\$0	\$0	\$0
	Buildings				0.0	\$0	\$0	\$0
Other ((As needed)				0.0	\$0	\$0	\$0
Engineering/co	onstruction				0.0	\$0	\$0	\$0
	Land				0.0	\$0	n/a	\$0
Record Keep	ing System				0.0	. \$0	n/a	\$0
Training	g/Sampling				0.0	\$0	n/a	\$0
Remediatio	on/Disposal				0.0	\$0	n/a	\$0
Pe	ermit Costs				0.0	\$0	n/a	\$0
Other (A	As Needed)	\$1,000	6-Jun-2001	17-Jan-2004	2.6	\$131	n/a	\$131
Notes for DELA	CIED costs	Estimated cost to	prevent the dispo		olid waste the state.	e or municipal wa	aste into or adjace	ent to the waters
Avoide	ed Costs		ANNUALIZE [1] a	voided costs be	fore ente	ring item (exce	ot for one-time a	voided costs)
	Disposal				0.0	\$0	\$0	\$0
	Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting	g/Sampling				0.0	\$0	\$0	\$0
Sup	plies/equip				0.0	\$0	\$0	\$0
Financial As	surance [2]		·		0.0	\$0	\$0	\$0
ONE-TIME avoid	ed costs [3]				0.0	\$0	\$0	\$0
Other	(as needed)				0.0	\$0	\$0	\$0
Notes for AVO	IDED costs			,				
							•	

3 of 18	04/02/09 H:\E Screening Date				ess\JCook\Effluent Recy 2007-0619-MLM-E	Ciligra 59500 Ft	PCW
				t Municei	2007-0019-WILWI-E	Policy Revi	sion 2 (09/02
	-	Effluent Recyclin	ng Inc.			•	sion 11/15/02
~	Case ID No.						
Respor	ndent/Site ID No.		1 147 .1.				
_	Media [Statute]		azardous Waste	9			
	Enf. Coordinator		1				·
	iolation Number	6		-1- 0.005.0	0 I 40 OED 8 000 44	·	
	rimary Rule Cite		Tex. Admin. Co	ode § 335.6	2 and 40 CFR § 262.11		
	Secondary Cite(s)						
V 1012	ation Description	storage tank both soil in the roll off two frac tanks. of <400 F from mg/L and Stocollected on Feb.	ttoms, the conter f box, the conter Samples colled m Frac Tank #1 prage tank #3 repruary 19, 2002	ents of the ints of the ints of the incided on Oc , Frac Tank vealed TCl revealed tl	Waste Determination for four storage tanks, the con a ground tank and the contober 23, 2001 revealed a #2 revealed TCLP benz. P benzene of 9.6 mg/L. hat the solids from the in liquids revealed 0.61 mg/e.	ontaminated attents of the flash point ene of 5.8 Samples ground tank	
	·	<u></u>			Ва	se Penalty	\$10,000
»	Environmental,	Property and F	luman Healti	n Matrix			•
		-	Harm				
	Release	Major	Moderate	Minor			. •
OR	Actual						•
	Potential	х	· · · · · · · · · · · · · · · · · · ·		Percent	25%	•
							•
»	Programmatic N	Matrix					•
	Falsification	Major	Moderate	Minor .			
OR					Percent		•
							• 4
Matrix					ste contained on site lutants which would		**.A
Notes	exceed leve	els that are protec	tive of human h	nealth or the	e environment.		•
					Adjustment	-\$7,500 · ·	
					Base Penalt	y Subtotal	\$2,500
	Violation Events	3			,		•
	Number of Vi	olation Events	. 9 ·]			
		<u>e</u>		<u>u</u>			•
mark	only one; use small x	daily					
		monthly					
		quarterly					•
		semiannual		,	Violation Bas	e Penalty	\$22,500
		annual single event	x				
Events							
Notes	Nine single even	is are recommend	ded; one event	tor each wa	aste type generated.		
	Economic Bene	fit (EB) for this	violation		Statutory Limit Test		
	Estimated I	EB Amount (\$)	\$224		Violation Final Per	nalty total	\$22,500
		TL:= 17:	lation First	A 0000	d Donaltic (adii.ata d	for limital	
		I NIS VIO	iation Final i	4556556	d Penalty (adjusted	or mines)	\$22,500

Respondent Effluent Recycling Inc. ID Number(s) 34430 Media Statute Industrial and Hazardous Waste Violation Number 6 Item Description Cost Required Date Final Yrs Interest Saved Cost Amount EB Amount Description Description Description Description Description Delayed Costs Required Date	Respondent Effluent Recycling Inc. ID Number(s) 34430	Page 14 of 18 0	04/02/09	H:\ENFORCE\	AGENDA\Backup	In Review Proces	s\JCook	\Effluent Recycli	ng\A 59500 PCW	Facility 1-ihw.qpw
ID Number(s) 34430 Media Statute Industrial and Hazardous Waste Violation Number 6	Media Statute Industrial and Hazardous Waste Violation Number 6 5.0 5.0				Economic	Benefit Wo	rkshe	et		
Media Statute Industrial and Hazardous Waste Violation Number 6	Media Statute Industrial and Hazardous Waste Violation Number 6	Res	pondent	Effluent Recycling	g Inc.				.	
Violation Number 6	Violation Number 1	ID Nu	ımber(s)	34430					j .	
	Item Description No commas or \$ Date Required Date Date Saved Description Delayed Costs	Media [[Statute]	Industrial and Ha	zardous Waste		•		Interest	Depreciation
Item Description No commas or \$ Required Date Saved Costs Amount	Item Description No commas or \$ Required Date Saved Costs Ame	Violation I	Number	6					5.0	15
Delayed Costs Equipment	Delayed Costs			Item			Yrs			
Equipment Buildings	Equipment Buildings				Required	Date		Saved	Costs	Amount
Equipment Buildings	Equipment Buildings	Delayed	d Costs							
Other (As needed)	Other (As needed Engineering/construction Land Record Keeping System Training/Sampling \$2,000 23-Oct-2001 17-Jan-2004 2.2 \$224 n/a	•					0.0	\$0	\$0	\$0
Engineering/construction Land	Engineering/construction Land Land Record Keeping System S2,000 23-Oct-2001 17-Jan-2004 2.2 \$224 n/a	J	Buildings				0.0	\$0	\$0	\$0
Engineering/construction Land	Engineering/construction Land Land Record Keeping System S2,000 23-Oct-2001 17-Jan-2004 2.2 \$224 n/a	Other (A	s needed)				0.0	\$0	\$0	\$0
Land	Record Keeping System						0.0	\$0	\$0	
S2,000 23-Oct-2001 17-Jan-2004 2.2 \$224 n/a \$224	S2,000 23-Oct-2001 17-Jan-2004 2.2 \$224 n/a	-	Land				0.0	\$0	n/a	
Remediation/Disposal	Remediation/Disposal	Record Keepin	ng System				0.0	\$0	n/a	\$0
Remediation/Disposal	Remediation/Disposal Permit Costs O.0 S.0 N/a N/a	Training/	Sampling	\$2,000	23-Oct-2001	17-Jan-2004	2.2	\$224	n/a	\$224
Notes for DELAYED costs	Notes for DELAYED costs Estimated cost to conduct Hazardous Waste Determination for all waste at the site.	Remediation	ı/Disposal				0.0		n/a	
Other (As Needed)	Notes for DELAYED costs	Per	mit Costs				0.0		n/a	
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Financial Assurance [2] ONE-TIME avoided costs Other (as needed) Notes for AVOIDED costs Estimated cost to conduct Hazardous Waste Determination for all waste at the site. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) 0.0 \$	Notes for DELAYED costs Estimated cost to conduct Hazardous Waste Determination for all waste at the site. AVOIDED COSTS ANNUALIZE [1] avoided costs before entering item (except for one-time avoided of the site). Disposal 0.0 \$0 \$0 \$0 Personnel 0.0 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.0 \$0 \$0 Supplies/equip 0.0 \$0 \$0 Financial Assurance [2] 0.0 \$0 \$0 ONE-TIME avoided costs [3] 0.0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 Supplies/Personnel 0.0 \$0 Su	Other (As	s Needed)						n/a	
Avoided Costs	Avoided Costs	Notes for DELAY	ED costs			<u></u>		-		
Disposal	Disposal			Es	timated cost to co	nduct Hazardous	Waste D	etermination for	all waste at the si	æ.
Disposal	Disposal									
Disposal	Disposal	Avoidec	d Costs		ANNUALIZE [1] a	avoided costs be	fore ente	ering item (exce	ept for one-time a	voided costs)
Personnel	Personnel	, , , , , ,								
Inspection/Reporting/Sampling	Inspection/Reporting/Sampling	ĭ	•							
Supplies/equip	Supplies/equip 0.0 \$0 \$0 Financial Assurance [2] 0.0 \$0 \$0 ONE-TIME avoided costs [3] 0.0 \$0 \$0 Other (as needed) 0.0 \$0 \$0	Inspection/Reporting/	Sampling							
Financial Assurance [2]	Financial Assurance [2] 0.0 \$0 \$0 ONE-TIME avoided costs [3] 0.0 \$0 \$0 Other (as needed) 0.0 \$0 \$0	•								7.7
ONE-TIME avoided costs [3]	ONE-TIME avoided costs [3] 0.0 \$0 \$0 Other (as needed) 0.0 \$0 \$0	= =							***************************************	***************************************
Other (as needed) Notes for AVOIDED costs	Other (as needed) 0.0 \$0 \$0									
Notes for AVOIDED costs										
Approx Cost of Compliance \$2,000 TOTAL \$224		•	- 1				0.01	ΨΟ		
Approx Cost of Compliance \$2,000 TOTAL \$224										
Approx Cost of Compliance \$2,000 TOTAL \$224							***************************************			
	Approx Cost of Compliance \$2,000	Approx Cost of Co	mpliance	\$2,000		•			TOTAL	\$224

e 1 of 1	04/02/09 H:\EN	IFORCE\AGENDA\E			ess\JCook\Effluent Red	cycling\A 59500 i	
	Screening Date	04-Jun-02	Docke	t Number	2007-0619-MLM-E	m	PCW
	Respondent	Effluent Recycling I	Inc.	•			evision 2 (09/02)
	Case ID No.	34430				PCW R	evision 11/15/02
Respon	ndent/Site ID No.	RN101569879					
		Industrial and Haza	irdous Waste	Э			
]	Enf. Coordinator	Terry Murphy					i
V	Violation Number	7					
:	rimary Rule Cite	30	Tex. Admin.	. Code §§ 3	327.3(b) and 327.5(c)		
	Secondary Cite(s)						
Viol	ation Description	environment with conducted on June 2002. Specifi investigations, the throughout the w property indicate investigation.	hin 24 hours 66, 2001 and fically, during investigator walled area and the occurred the word the occurred the walled the occurred the wever, the	as documed follow up the June 6 observed and significations of specific TCEQ has	able discharges or spill ented during the initial investigation conducte and 2001, and February large pools of liquids a lant surface staining thresides at least since the Justino records of any not submitted by Responder	nvestigation d February 15, 15, 2002, nd oily wastes oughout the une 6, 2001, ifications of	The section of the se
					·	Base Penalty	\$10,000
,,	Environmental	Property and Hur	man Healtl	h Matriy		Dase I charty	\$10,000
»	Environmental,	rioperty and ridi	Harm	·	1		•
	Release	Mai	Moderate	Minor			•
		Major I	Moderate	Minor	7	•	•
OR	Actual]	D4		. •
	Potential				Percent	1	•
		1					•
»	Programmatic M						•
	Falsification		Moderate	Minor	1	r	•
OR		x		ļ <u>-</u>	Percent	10%	•
Matrix Notes		100% of the rule re	equirement v	was not me	t.		•
					Adjustment	-\$9,000	•
				•	=	1	
	\" \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				base Pen	alty Subtotal	\$1,000
	Violation Events			1			•
	Number of Vi	olation Events	1]			
mark	only one; use small x	daily			1		
maik	only one, use sindi x	monthly			1		
		quarterly					
					Violation P	ase Penalty	\$1,000
		semiannual		1	Violation D	ase remaily	\$1,000
		annual					
		single event	Х]		_	
Events				 		1	
Notes		One single eve	ent is recomr	mended.			
						IJ	
	Economic Bono	fit (EB) for this vi	olation		Statutory Limit Tes	s t	
	Economic pene	וונ (רבי) וטו וווופ אונ	olation		Claudiony Emilia 168	> L	
	T0_454 7 T0	B Amount (\$)	MOO 0		Violation Final F	Popalty total	64.000
1	Estimated E	D Amount (3)	, \$230	I	violadon Final F	enaity total	\$1,000
	· · .	This Violet	tion Eine!	Accocco	d Penalty (adjuste	d for limite)	64.000
1		iiiis violat	: "IIIAI <i>I</i>		a i charry (aujuste	u iui miiito/	\$1,000

Page 1 of 1 04/02/09	H:\ENFORCE\A	GENDA\Backup In	Review Process	:\JCook\E	Effluent Recycling	NA 59500 PCW F	acility 1-ihw.qpw
		Economic	Benefit Wo	rkshe	et		
Respondent	Effluent Recycling	inc.			,		
ID Number(s)	34430				İ	Percent	Years of
Media [Statute]	Industrial and Haz	ardous Waste				Interest	Depreciation
Violation Number	7					5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$					•	
D 11011							
Delayed Costs	<u> </u>	η			-		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	. \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	. \$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	Φ U
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	. \$0
Notes for DELAYED costs							

Avoided Costs		ANNUALIZE [1] a	voided costs be	fore ente	ering item (exce	ot for one-time a	voided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$ 0
Inspection/Reporting/Sampling			·	0.0	\$0	\$0	. \$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	6-Jun-2001	17-Jan-2004	3.0	\$30	\$200	\$230
Notes for AVOIDED costs		The state of the s					
·.		Estimated cost to	report discharge	es or spil	ls within 24 hours	to the TCEQ.	
Approx Cost of Compliance	\$200					TOTAL	\$230
Approx Cost of Comphance	\$200						Ψ200
<u> </u>							

	Screening Date	04-Jun-02	Dock	et Number	2007-0619-MLM-E		PCV
	-	Effluent Recyc	ing Inc.		,	Policy Revi	sion 2 (09/02
	Case ID No.		_		•	PCW Revi	sion 11/15/0
Respon	ndent/Site ID No.	RN101569879	•				•
•	Media [Statute]		Hazardous Wasi	te			
	Enf. Coordinator						
	iolation Number	8	7				
P	rimary Rule Cite	30 Tex. Ad	min. Code § 33	5.112(a)(8);	40 CFR §§ 265.173 and	265.176	
	Secondary Cite(s)						
Viol	ation Description	or remove wa least 50 feet tank #2 contain have seals fo	iste, and failed t from the facility ning elevated le or any type of clo	o maintain o property line vels of benz osure, and w	s, except when it is necestaliners holding ignitales. Specifically, frac tankene were not properly cere approximately ten for torner of the property.	ble waste at #1 and frac losed, did not	
			" ####################################		·	Base Penalty	\$10,000
»	Environmental,	Property and	Human Heal	th Matrix		J	•
.,	Zirin Orini Orinan,	roporty arra	Harm		1		
	Release	Major	Moderate	Minor	J		
OR	Actual	Wajor	1 Woderate	TWINION TO THE PARTY OF THE PAR		•	
OK	Potential		x		Percent	10%	
	Folential	<u> </u>] Tercent	1070	
	Drogrammatic N	i Antrix					•
»	Programmatic N		1.4 - al - a - 4 -				•
OR	Falsification	Major	Moderate	Minor	D		,
UK	Language		<u> </u>		Percent	J	:
Matrix Notes					significant amounts of fhuman health or the		•
		:			4.3:		•
					Adjustment	-\$9,000	
-					Base Pena	Ity Subtotal	\$1,000
	Violation Events			-			•
	Number of Vi	olation Events	6 .	<u>]</u>			
	1	1		7			•
mark	only one; use small x	daily		4	!		•
		monthly		<u>.</u>			•
		quarterly					*
		semiannual	X	_	Violation Ba	se Penalty	\$6,000
		annual					
		single event			•		
						`	
Events Notes	October 23, 2001		on) to April 6, 20	003 (settlem	from the period of ent termination date) uation.		
	Economic Bene	fit (EB) for thi	s violation		Statutory Limit Test		
	Estimated E	CB Amount (\$)	\$224	J	Violation Final Pe	enalty total	\$6,000

	04/02/09	H:\ENFORCEV	AGENDA\Backup i	n Review Proces	s\JCook		7V-1 00000 1 OVV.1	-acility 1-inw.qpw
			Economic I	Benefit Wo	rkshee	et		
Re	spondent	Effluent Recycling	Inc.					
ID N	umber(s)	34430					Percent	Years of
Media	[Statute]	Industrial and Haz	ardous Waste		•		Interest	Depreciation
Violation	Number	8					5.0	15
		ltem	Date	Final	Yrs	Interest	Onetime	EB
	tem cription	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delaye	d Costs_							
?	Equipment				0.0	\$0	\$0	\$0
	Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/co	nstruction				0.0	\$0	\$0	\$0
	Land				0.0	\$0	n/a	\$0
Record Keep	ing System				0.0	.\$0	n/a	\$0
Training	/Sampling				0.0	\$0	n/a	\$0
Remediatio	n/Disposal				0.0	\$0	n/a	\$0
Pe	rmit Costs				0.0	\$0	n/a	\$0
Other (A	As Needed)	\$2,000	23-Oct-2001	17-Jan-2004	2.2	\$224	n/a	\$224
Notes for DELA	YED costs		JL		· · · · · · · · · · · · · · · · · · ·			
		3.000	Estimate	ed cost to mainta	in hazaro	dous waste contair	ners.	
Avoide	d Costs	. ,	ANNUALIZE [1] av	oided costs be	fore ente	ering item (excep	t for one-time av	oided costs)
	Disposal				0.0	\$0	\$0	\$0
	Personnel					60	1	
					0.0	\$0	\$0	\$0
Inspection/Reporting	<u>L</u>					\$0 \$0	\$0 \$0	
-	<u>L</u>				0.0			\$0
-	/Sampling plies/equip				0.0	\$0	\$0	\$0 \$0
Sup	/Sampling plies/equip arance [2]		-		0.0 0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Sup Financial Ass ONE-TIME avoide	/Sampling plies/equip arance [2]				0.0 0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Sup Financial Ass ONE-TIME avoide	/Sampling plies/equip urance [2] cd costs [3] as needed)				0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supp Financial Ass ONE-TIME avoide Other (/Sampling plies/equip urance [2] cd costs [3] as needed)		·		0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supp Financial Ass ONE-TIME avoide Other (/Sampling plies/equip urance [2] cd costs [3] as needed)				0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

	Penalty Calculation	n Worksheet (P	PCW)	
Policy Revision 2 (Se		(.	•	n June 26, 2007
TCEQ				
DATES Assigned		EDA Duo	7	
PCW	7-Feb-2008 Screening 14-Aug-2007	EPA Due		······································
RESPONDENT/FACILITY				
	Effluent Recycling, Inc.			_
Reg. Ent. Ref. No Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor	_
		A CONTRACTOR OF THE CONTRACTOR		
CASE INFORMATION	04400	N 6 N // - 1 - 4/	. [4	-
Enf./Case ID No	2007-0619-MLM-E	No. of Violations Order Type		-
Media Program(s		Enf. Coordinator		-
Multi-Media	Industrial and Hazardous Waste	EC's Team	EnforcementTeam 4	
Admin. Penalty \$	Limit Minimum \$0 Maximum	\$2,500	***************************************	
	D 14 - O - 1 1 1			
	Penalty Calculat	tion Section		
TOTAL BASE PENA	LTY (Sum of violation base penalties	s)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-)	TO SURTOTAL 1	e e e e e e e e e e e e e e e e e e e	en de la companya de la companya de la companya de la companya de la companya de la companya de la companya de	
	ined by multiplying the Total Base Penalty (Subtotal 1) by t	he indicated percentage.	· · · · · · · · · · · · · · · · · · ·	
Compliance Hist	ory 0%	Enhancement Subt	otals 2, 3, & 7	\$0
Notes	No change due to average perform	ner classification		
140103	110 onango das to average perioni	ior sidosmoditori.		
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Guipability	100	Enhancement		ΨΟ
Notes	The Respondent does not meet the	culpability criteria.		
Good Faith Effor		Reduction	Subtotal 5	\$0
Extraordinary	Before NOV NOV to EDPRP/Settlement Offer			
Ordinary				
N/A	X (mark with x)	·	7	
Notes	The Respondent does not meet the	good faith criteria.		
		nhancement*	Subtotal 6	\$0
Approx.	Total EB Amounts \$692 *Capped a Cost of Compliance \$6,110	t the Total EB \$ Amount		
	0,110	•		
SUM OF SUBTOTAL	S 1-7	F	Final Subtotal	\$1,000
OTHER EACTORS A	e luctice MAY DECLUDE	0.50/	A. P. Carlotte and A. Carlotte	6440
	S JUSTICE MAY REQUIRE Subtotal by the indicated percentage. (Enter number only;	25% e.g30 for -30%.)	Adjustment	\$410
	Recommended adjustment to capture the			
Notes	associated with the viola			
		Final Por	nalty Amount	\$1,410
	•	i inai i ei	naity Amount	Ψ1,410
STATUTORY LIMIT	ADJUSTMENT	Final Asse	ssed Penalty	\$1,410
	·		-	
DEFERRAL	clly by the indicted possessing (Fig.	0% Reduction	Adjustment	\$0
Reduces the Final Assessed Per	alty by the indicted percentage. (Enter number only; e.g. 2	20 für 20% reduction.)		
Notes	Deferral not offered for non-exped	ited settlement.		
DAMADI E DESIGN			·	
PAYABLE PENALTY				\$1,410

FACILITY 1



Screening Date 14-Aug-2007

Docket No. 2007-0619-MLM-E

PCW

Respondent Effluent Recycling, Inc.

Case ID No. 34430

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101569879

Media [Statute] Used Oil

Comp	liance History Component	/ Site Enhancement (Subtotal 2) Number of	nter Number Here	Adjust.	_ 4 * **
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	,
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	ĺ
	Emissions	Chronic excessive emissions events (number of events)	0	0%	İ
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	7.00.00	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Pleas	e Enter Yes or No		,
		Environmental management systems in place for one year or more	No	- 0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Other	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	-	Adjustment Pe	ercentage (Su	ıbtotal 2) [
Repea	at Violator (Su	btotal 3) TERROR TO THE REAL PROPERTY AND A SECOND CONTROL OF THE PROPERTY OF	No less de la Fig.	A.F. 28th	*****
	No	Adjustment Pe	ercentage (Su	ibtotal 3)	C
Comp	liance History	Person Classification (Subtotal 7)			. 3 %.r
	Average P	erformer Adjustment Pe	ercentage (Su	btotal 7) [. (
Comp	liance History	Summary [18] 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	en de la composition della com		
	Compliance History Notes	No change due to average performer classification.			

Scr	eening Date	14-Aug-2007		D	ocket No. 20	07-0619	-MLM-E	······································	PC	W.
	Respondent							Policy R	evision 2 (September	2002)
	Case ID No.		<u> </u>					P	CW Revision June 26,	, 2007
Reg. Ent. Re	eference No.	RN10156987	9				•			
Me	dia [Statute]	Used Oil			• •					
Enf.	Coordinator	Terry Murphy	y							
Vio	lation Number	1							1	
	Rule Cite(s)		36	0 Tex. Admin.	Code § 324.22((d)(3)				
Violati	on Description	transferred, areas, store	or otherwise h age areas, and	andled, includ d any areas w , used oil had	ment for all area ling, but not limi here shipments been transporte ndary containme	ited to, lo of used ed to and	ading dock oil are held	s, parking for more		
							Bas	e Penalty	\$2	2,500
>> Environmenta	il, Property a	ınd Human	Health Mat	rix						900
	er deg entrement och i visi Entremen 1990-000 Entremen	e z na grazia izan egani di desa	Harm		under the second of the second		agili agili in dia compresso gone			
OB	Release	Major	Moderate	Minor	A					
OR	Actual Potential		×		Po	rcent	10%			
	Fotential	<u> </u>	^			i cont	10 70			
>>Programmatic	Matrix									
**************************************	Falsification	Major	Moderate	Minor						
					Pe	rcent	0%		*	
	 	····						1		
Matrix Notes	Human healt	h or the enviro would n	onment will or o	could be expo tective levels	sed to significar as a result of the	nt amour e violatio	its of polluta n.	nts which		
					Adju	ıstment		\$2,250		
ede jake et stad i Frederic II forde de som delet II teur en en en en et al de en en en en	e Condition of the Cond	ACCIONATION AND INCIDENTAL SECTION	(the common of the control of the c	Self American Scientific Science Control						
								L		\$250
Violation Events									•	٠
	Number of Vic	lation Events	1		Nu	ımber of	violation da	ys	,	
	mark only one	daily monthly quarterly	x			Vi	olation Bas	e Penaity/		\$250
	with an x	semiannual annual single event				•		o r onding [
	One quarter	ly event is reco		m the August 007 screening	2, 2007 record idate.	review d	ate to the A	ugust 14,		and deliveration of the state o
Economic Benef	it (EB) for th	is violation			St	atutory	/ Limit Te	st		
	Estimated	EB Amount		\$228		Violatio	n Final Pen	aity Total		\$353
		•		.11.1.1.1.		Daniell	. /m.all.r4- *			00.50
			TI	nis violation f	inal Assessed	renalty	(adjusted	ror limits)		\$353

	E	conomic	Benefit W	orks	sheet		
Respondent	Effluent Recycl	ing Inc				. ".	
Case ID No.	•	ing, inc.					
Reg. Ent. Reference No.			•				
Media	Used Oil					Percent Interest	Years of
Violation No.	1			-			Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
itelli Description	No commas or a	T	1.00				
Delayed Costs	1112	1.0					100
Delayed Costs Equipment		1 ·	i	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	in/aiiii	\$0
Record Keeping System		<u> </u>		0.0	\$0	n/a	\$0 .
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Aug-2007	30-Jun-2008	0.9	\$228	n/a	\$228
Notes for DELAYED costs		· ·	the estimate	ed date o	of compliance.	anks from the record	
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e			one-time avoided co	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)			<u> </u>	0.0	\$0	\$0	\$0
Notes for AVOIDED costs	-						
•							
Approx. Cost of Compliance		\$5,000			TOTAL		\$228

Screening Date	• 14-Aug-2007	Docket	No. 2007-0619-MLM-E	PCW
Respondent	t Effluent Recycling, Inc.			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator				,
Violation Number				
Rule Cite(s) 30 Te	x. Admin. Code §§ 324.11	(2) and 324.4(2)(C)(i)	***************************************
Violation Description			and storing Used Oil. Specifica used oil had been stored on s endar years.	
and a make a general programme see programme seems of the second seems of the second seems of the second second seems of the second sec			Base	Penalty \$2,500
>> Environmental, Property a		/latrix		
Release OR Potentia		e Minor	Percent 0%	
>>Programmatic Matrix				
Falsification	Major Moderat	e Minor	*Losses	THE PARTY OF THE P
	x		Percent 10%	
Matrix Notes	100% o	f the rule requirement was	not met.	
			Adjustment	\$2,250
				\$250
Violation Events				
			Nihan af vialation dave	
Number of Vi	olation Events 1		Number of violation days	j.
	dailÿ			
	monthly			
mark only one with an x	quarterly x semiannual annual single event		Violation Base	Penalty \$250
One quarte	erly event is recommende	d from the August 2, 2007 2007 screening date.	record review date to the Aug	ust 14,
Economic Benefit (EB) for th	is violation		Statutory Limit Tes	t
the angular and the state of the control of the state of	ra karanga mengelapangga menjedakan dari kelalah menjerah kelalah kelalah dari kelalah dari kelalah dari berada	\$24	Violation Final Pena	
Estimate	d EB Amount	Φ24	ующий гипа Репа	ity i Utai pood
		This violation Final As	ssessed Penalty (adjusted fo	r limits) \$353
	그, 그는 말이 되었습니까 살아가셨게 싶다		경험을 하는 것은 그 같아. 얼굴이 없었다.	

Market and the second s	E	conomic	Benefit W	orks	sheet	***************************************	***************************************
Dognondoni	Effluent Recycli		777777				
	•	ng, inc.					
Case ID No							
Reg. Ent. Reference No							
and a transfer of the second o	Used Oil					Percent Interest	Years of
Violation No	. 2						Depreciation
				4.1		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			ta a la			
Delayed Costs			a supervising				
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	2-Aug-2007	15-Jul-2008	1.0	\$24	n/a	\$24
Other (as needed)				0,0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs			expected	date of	compliance.	eview date and the F	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]		•		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs			<u> </u>				
Approx. Cost of Compliance		\$500]		TOTAL		\$24

	ate 14-Aug-2007	Docke	t No. 2007-0619-MLM-E	PCW
: •	ent Effluent Recycling, Inc.		F	Policy Revision 2 (September 2002)
Case ID N				PCW Revision June 26, 2007
Reg. Ent. Reference				
Media [Statu				
	tor Terry Murphy	•		
Violation Num Rule Cite	\c)			
Kule Olice	30 Tex. A	dmin. Code §§ 37.2011	and 324.22(b),(c), and (e)	,
Violation Descript			nce for soil remediation. Specificall ice at the time of the investigation.	y, the
			Base Pe	nalty \$2,500
>> Environmental, Propert		latrix		
Rele	Harm ase Major Moderat	e Minor		
PACIFICATION CONTINUES.	tual Majer Mederat			
Poter	ntial		Percent 0%	
>>Programmatic Matrix	ion Major Moderat	o Minor		
Falsificati	on Major Moderat	e Minor	Percent 10%	•
<u> </u>				
Matrix Notes	100% of	the rule requirement was	s not met.	
			Adjustment \$	2,250
	illion del tramis del cosso de la la Van Maria Costa e in Scio de Roberto (1997) il della la	ette allakute etakunaat ete istillisekkilikku korjalikookkilik kiliku asiatiiniti.	delika de de de de de de de de de de de de de	
,		•	·	\$250
Violation Events				
the design of the control of the con				tricksaktoritei
Number of	Violation Events 1	12	Number of violation days	
	daily	-		
	monthly	=		
mark only c	1 0000000000000000000000000000000000000		Violation Base Pe	nalty \$250
. with an x		<u> </u>		
	annual			•
	single event x			,
	One	single event is recomme	nded.	
<u></u>				
Economic Benefit (EB) for	this violation		Statutory Limit Test	
Estima	ated EB Amount	\$431	Violation Final Penalty	Total \$353
•		This violation Final A	Assessed Penalty (adjusted for li	mits) \$353

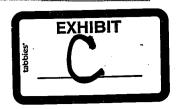
an ang again aga a an an an an an an an an an an an an	E	conomic	Benefit V	Vorks	sheet		***************************************
Respondent	Effluent Recycl	ing Inc					
Case ID No.							
Reg. Ent. Reference No.							
	Used Oil						Years of
- Control - Cont						Percent Interest	Depreciation
Violation No.	3		1.44	4.0			Debleciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	je sa izva	100	gadii.			State of the state of
Delayed Costs	100						April 1
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	- n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ere en ann	UALIZE [1] avoide	ed costs before			one-time avoided c	
Disposal				0.0	\$0	\$0	\$0
, Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	2.110	2.1	- 0.4 - 0007	0.0	\$0	\$0	\$0
Financial Assurance [2]	\$410	2-Aug-2006	2-Aug-2007	1.0 0.0	\$21 \$0	\$410	\$431
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0 1	\$ U	30 1	\$0
Notes for AVOIDED costs	Estimated cos				I remediation. The e end date of the	Date Required is or violation.	ne year prior to
Approx. Cost of Compliance		\$410		:	TOTAL		\$431

Screening	g Date 14-Aug-200	7	Docket No	o. 2007-0619-MLM-E	okalan vora keraldari di sahari repektion da	PCW
,	ndent Effluent Red				Policy Revi	sion 2 (September 2002)
Case	ID No. 34430				PCM	Revision June 26, 2007
Reg. Ent. Referen	ce No . RN1015698	79				
Media [St	tatute] Used Oil					
	linator Terry Murp	<u>hy</u>				
Violation N						
Rule	Cite(s)	30 Te	x. Admin. Code §§	324.4(1)		T :
Violation Desc	cription Specifically,	used oil and/or hydra	ulic fluid from an in	ks and containers to surface dustrial compressor on the ately 25 square feet of soil.		
		·		Base	Penalty	\$2,500
>> Environmental, Pro	perty and Humar	n Health Matrix				1
		Harm	Company of the Compan	trans transfer age took Mahamilaan liikh te bhilder 1921 Maita si 1931 lian san 1997		
face of the control o	Release Major	1	nor			
OR	Actual Potential		×	Percent 10%		
	Otertial			1078		
>>Programmatic Matrix	x			7020 9 181 5 20		
	fication Major	Moderate Mi	nor			
				Percent 0%		
					<u></u> 1	`
Matrix Notes Huma		ronment has been exp exceed protective leve	els as a result of the			
				Adjustment	\$2,250	1
						\$250
				taringsoonoonggoograp oogsoonnisestares is too saturateares.	toti metiopiani e vanancio e v	
Violation Events			And the second s			ni promini
Nicosale			40	Thlumber of violeties days		
Numb	er of Violation Events		12	Number of violation days	•	
	daily					
	monthly					
mark o	only one quarterly	X		Violation Base	Penalty	\$250
with	^{n an x} semiannual					
	annual				•	
	single even					
One	quarterly event is re		August 2, 2007 recoreening date.	cord review date to the Augu	ust 14,	
Economic Benefit (EB)	for this violation	1		Statutory Limit Test		
Es	stimated EB Amoun	t	\$10	Violation Final Penal	ty Total	\$353
				•		
		This vi	olation Final Asse	ssed Penalty (adjusted for	r limits)	\$353

	E	conomic	Benefit W	orks	sheet		***************************************
Respondent	t Effluent Recycli	na Inc					·
Case ID No	•						
Reg. Ent. Reference No							
	Used Oil					F	Years of
						Percent Interest	Depreciation
Violation No	. 4			10	The Down or an	l i i i i i i i i i i i i i i i i i i i	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		r May 1 of				
Delayed Costs		•	1 1	1.2	er Green		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$200	2-Aug-2007	31-Jul-2008	1.0	\$10	n/a	\$10
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	approximately 2	cubic yards of cor	ntaminated soil. T is the expect	he Date ed date	Required is the re of compliance.	pased on \$100/cubic cord review date and cone-time avoided co	the Final Date
Disposal	7411	CALILL [1] avoid	ca cooto belefe e	0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0.
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	i			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs		·					
Approx. Cost of Compliance		\$200			TOTAL		\$10

	Penalty Calc	ulation Works	sheet (P	CW)	
Policy Revision 2 (Sept	ember 2002)			PCW	Revision June 26, 2007
TCEQ					•
DATES Assigned PCW	7-Aug-2007 7-Feb-2008 Screening 14-A	Aug-2007 EPA Due			
RESPONDENT/FACILITY	INFORMATION				
	Effluent Recycling, Inc.				
Reg. Ent. Ref. No.	RN101569879	Nata di	Mi C	Minor	
Facility/Site Region	4-Dallas/Fort vvortn		Minor Source	IMITIOI	
CASE INFORMATION				The state of the s	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Enf./Case ID No.	34430	No.	of Violations	4	
	2007-0619-MLM-E		Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Ent.		Terry Murphy	. 4
Multi-Media Admin. Penalty \$ L	Petroleum Storage Tank imit Minimum \$0 Maxi	mum \$10,000	EC S Team	EnforcementTean	14
Admin. Fenanty & L	init withintain \$0 maxi	Ψ10,000			HILLIAND AND AND AND AND AND AND AND AND AND
	Penalty (Calculation Sect	tion		,
	•	the state of the s			£42.500
TOTAL BASE PENAL	TY (Sum of violation base	penaities)		Subtotal 1	\$12,500
ADJUSTMENTS (+/-)	TO SUBTOTAL 1				
	ed by multiplying the Total Base Penalty (S	Subtotal 1) by the indicated per	centage.	-4-1-00007	¢o
Compliance Histo	ry i december de la la	0% Enhancement	Subto	otais 2, 3, & / ॄ 	\$0
Notes	No change due to avera	age performer classificat	ion.		
Culpability	No	0% Enhancement	HARTINEN HERV	Subtotal 4	\$0
Culpability	INO PRINCIPAL TRANSPORT OF A	O /6 Elinancement		Sabtotal 4	ΨΟ
Notes	The Respondent does no	ot meet the culpability cri	teria.		
Good Faith Effort	to Comply	0% Reduction		Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settle		And the area with the con-		*-
Extraordinary					
Ordinary		`	•		
N/A	X (mark with x)		-		
Notes	The Respondent does no	ot meet the good faith cri	teria.		
		0% Enhancement*		Subtotal 6	\$0
ete militablikeen vii laan in laak teest	Total EB Amounts \$3,471	*Capped at the Total EB \$			
Approx. C	Cost of Compliance \$66,000				
SUM OF SUBTOTALS	: 1-7 (1) (第2年) (1941年)	ayan garajaya	angan pan	inal Subtotal	\$12,500
COM OF CODICIAL			ari arang		7 - 7 - 7 - 7
OTHER FACTORS AS	JUSTICE MAY REQUIRE			Adjustment	\$0
Reduces or enhances the Final Su	btotal by the indicated percentage. (Enter	number only; e.g30 for -30%	6.)	ı	
	•				Post Paris Control of
Notes			·		
· L			Final Per	l nalty Amount	\$12,500
					ψ·-,σσχ
STATUTORY LIMIT A	DJUSTMENT		Final Asse	ssed Penalty	\$12,500
DEFERRAL		0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Pena	alty by the indicted percentage. (Enter num	ber only; e.g. 20 for 20% reduc	ction.)	_ 	
Natas	Deferral not offered for	non-expedited settleme	nt		
Notes	Deterrating offered for	non-expedited settleme	116.		
L					
PAYABLE PENALTY	en en en en en en en en en en en en en e		Service of the		\$12,500

FACILITY



Screening Date 14-Aug-2007

Docket No. 2007-0619-MLM-E

PCW

Respondent Effluent Recycling, Inc.

Case ID No. 34430

Policy Revision 2 (September 2002)
PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101569879

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Terry Murphy

Compliance History Worksheet

(Compliance History Notes	No change due to average performer classification.			
mpli	ance History	Summary, % (2011) 1. 2.2. (2011) 1. 2.1. (1.1. 1.1. 1.1. 1.1. 1.1. 1.1.			
	Average Pe	erformer Adjustment Pe	ercentage (S	ubtotal 7) 🗌	0%
npli	ance History	Person Classification (Subtotal 7)			
L	No	Adjustment Pe			0%
eat –		ototal 3)			
		Adjustment Pe			0%
		environmental requirements	No '	0%	
		Early compliance with, or offer of a product that meets future state or federal government			
	Other	special assistance program Participation in a voluntary pollution reduction program	No No	0%	
	,	Voluntary on-site compliance assessments conducted by the executive director under a			
Γ		Environmental management systems in place for one year or more	<u>e Enter Yes or No</u> No	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0 Enter Vac as No	0%	
	Audits	Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
-	Emissions	Letters notifying the executive director of an intended audit conducted under the Texas		. 070	
F		Any criminal convictions of this state or the federal government (number of counts) Chronic excessive emissions events (number of events)	0 ,	0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
		meeting criteria)	0	0%	
-	<u>.</u>	Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders	00	0%	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	

Scre	ening Date	14-Aug-2007	~~~ ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Do	cket No. 2007-0619-MLM-E	PCW
F	Respondent	Effluent Recy	cling, Inc.			Policy Revision 2 (September 2002)
	Case ID No.	34430				PCW Revision June 26, 2007
Reg. Ent. Re	ference No.	RN10156987	9			
	lia [Statute]			/aste		
	Coordinator	Terry Murphy	<u> </u>			
Viol	ation Number	1				
	Rule Cite(s)		30	Tex. Admin. C	ode § 334.47(a)(2)	
Violatio	n Description	system	into timely cor	mpliance with up we or bring into o	UST system from service or bring the orgade requirements. Specifically, the compliance a registered, out-of-servifacility.	ne
					Base	Penalty \$10,000
				~		
>> Environmental	l, Property a	nd Human		rix		
	Deleges	Major	Harm	Minor		
OR	Release Actual	Major II	Moderate	Minor		
	Potential	×			Percent 25%	
	<u>_</u>					
>>Programmatic	Matrix					Warran and a second a second and
	Falsification	Major	Moderate	Minor		9
					Percent 0%	NAMA AAAA
			NEW TO THE PARTY OF THE PARTY O			
Matrix Notes	Human h	ealth or the er		l or could be exp vels as a result o	posed to pollutants which would exce of the violation.	ed
			STORAGE STORAGE STORAGE		Adjustment	\$7,500
				44126 # 4001 (9.4966. 2)	Adjustment	41,000
						\$2,500
			egel a menteneka kanpara sa			- TOWN TOWN
Violation Events			a addicate			William Control
	Number of Viol	ation Evente	. 1		12 Number of violation days	***************************************
	Nulliber of viol	ation Events			12 Individual of Violation days	. Hadrone
		daily				à
,		monthly	х	•		
	mark only one	quarterly		, ,	Violation Base F	Penalty \$2,500
	with an x	semiannual				property and
	•	annual			•	A LANGE
	1	single event				TANKY FOR
			~~~			<del></del>
	One monthly	event is reco		n the August 2, 007 screening da	2007 record review date to the Auguate.	st 14,
Economic Benefit	t (EB) for thi	s violation			Statutory Limit Test	
	Estimated	EB Amount		\$499	Violation Final Penalt	y Total \$2,500
				······································		
		UI FALLA WEW	Th	is violation Fin	ial Assessed Penalty (adjusted for	limits) \$2,500

	E	conomic	Benefit W	ork	sheet	Section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the section of the sectio	
Respondent	Effluent Recycli	ng, Inc.					
Case ID No.		•					
Reg. Ent. Reference No.					•		
		azardous Waste				Annual or commission and a commission	Years of
Violation No.		azardous vvasic			,	Percent Interest	Depreciation
Violation No.	. 1		and the second	2.3			
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					4	Agricultural de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la companya de la co
Delayed Costs			$(x_1,\dots,x_n) = (x_1,\dots,x_n)$				
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
· Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$10,000	2-Aug-2007	31-Jul-2008	1.0	\$499	n/a	\$499
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs		the record revie	ew date and the Fir	nal Date	is the expected da	one-time avoided co	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel			l <u>.</u>	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0	\$0
Supplies/equipment	<u></u>			0.0	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0 \$0
Other (as needed)			<u> </u>	0.0	30	- 40	<u> </u>
Notes for AVOIDED costs							
· !							· ·

Screening Date		Docket	t <b>No.</b> 2007-0619-MLM-E	PCW
Respondent	Effluent Recycling, Inc.		Policy F	Revision 2 (September 2002)
Case ID No.	34430		F	PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN101569879			
Media [Statute]	Industrial and Hazardou	ıs Waste		
Enf. Coordinator				
Violation Number	2			i i
Rule Cite(s)		30 Tex. Admin. Code	§ 335.4(1)	
Violation Description	Specifically, discharg	es of dye waste mixed wit	tanks and containers to surface soils. h used oil, petroleum products and/or pproximately 14,000 square feet of soil y.	
			Base Penalty	\$10,000
>> Environmental, Property a Release OR Actual Potential	Harm Major Moderat		Percent 25%	
>>Programmatic Matrix	M-1	Mina		
Falsification	Major Moderat	e Minor	Percent 0%	
	<u> </u>		Percent 0%	
Matrix Notes Human healt		s been exposed to signific ective levels as a result of	ant amounts of pollutants which do not the violation.  Adjustment \$7,500	
				\$2,500
				\$2,500
Violation Events				
old a flora de Colope Calaida. A tras de Clentica por tiente de Sister de Sister Calaida (1997), de 1997.		la, Kultiga Begik, Jililia Khaki Buttukokoki terli ratukta Kondert	de an deuelook da aan da ekokolo da adaan da ee aan ah ah ah ah da ah da ah ah ah ah ah ah ah ah ah ah ah ah a Ah ah	
Number of Vic	olation Events 1	12	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event		Violation Base Penalty	\$2,500
One month	ly event is recommended	d from the August 2, 2007 2007 screening date.	record review date to the August 14,	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Adam de la filo de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la compansión de la c	i EB Amount	\$2,699	Violation Final Penalty Total	\$2,500
	•	This violation Einel A.	second Donalty (adjusted for livette)	60 500
		i iiis violation final A	ssessed Penalty (adjusted for limits)	\$2,500

	E	conomic	Benefit W	orks	sheet		
Respondent	Effluent Recycli	ng, Inc.					
Case ID No.	•	<i>.</i>					
Reg. Ent. Reference No.	RN101569879						
	Industrial and H	azardous Waste				Percent Interest	Years of Depreciation
	· -	9-19-14-15 PM	10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day 10 day	:	*	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs			4 877 74	_			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0.
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$50,000	2-Aug-2007	30-Aug-2008	1.1	\$2,699	≈ n/a △	\$2,699
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		<u></u>		0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	500 cubic ya	rds of contaminate	ed soil. The Date F expected	Required date of d	is the record revi compliance.	s \$100/cubic yard an ew date and the Fina one-time avoided c	al Date is the
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$50,000			TOTAL		\$2,699

Scree	ening Date	14-Aug-2007			DOCKET N	<b>o.</b> 2007-061	9-MLM-E		اصل	CW
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Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0 .
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
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Scr	eening Date	14-Aug-2007		D	ocket No. 2007-061	9-MLM-E		PCW
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Reg. Ent. Re								
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Violatio	on Description	the site. Specthe the north fend	cifically, analys ce line exhibite	sis of a sample d toxicity chara en conducted	is waste determination from a drum of unkno acteristic for Chromium on the contents of a 6 ank.	wn waste locate (D007). In addii	d along tion, no	
						Base F	Penalty	\$10,000
>> Environmenta	I Dronarte a	nd Humas I	Hoalth Mate		And Andreas Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control of the Control o			
>> Environmenta	i, Property a	iliu numan	Harm	IX				
	Release	Major	Moderate	Minor				
OR	Actual							
	Potential	x			Percent	25%		
>>Programmatic		Major	Modorato	Minor				
	Falsification	Major	Moderate	10111101	Percent	0%		
		<u>                                     </u>			1 0.00111	0,0		
Matrix Notes	Human heal				sed to significant amou a result of the violation		which	
		5-0-2510202020 LS			Adjustmen	ť	\$7,500	
5555 5 12 12 10 VIII (VII VII VII VII VII VII VII VII V	Serie e derakeralese	nach a Librah Berah at Leala		. Mendinelle et et leiter.			<del>++,+++</del>	
								\$2,500
Violation Events	Bakkan da sa sa sa sa sa sa sa sa sa sa sa sa sa	2.2.2				222		
	Number of Vio	lation Evente	2		12 Number o	f violation days		**
	Number of vic	nation Events		ييا ا	12 Namber o	r violation days		
		daily						
		monthly					_	
	mark only one	quarterly			\	/iolation Base F	'enalty [	\$5,000
	with an x	semiannual	,					
		annual						
	i	single event	X					
		· · · · · · · · · · · · · · · · · · ·	W					
			Two single	e events are re	ecommended.			
Economic Benefi	t (EB) for thi	is violation			Statuto	y Limit Test		
	Estimated	d EB Amount		\$46	Violati	on Final Penalt	y Total	\$5,000
		_						
			<b>T</b> I Verte 2000 (1999)	nis violation F	Final Assessed Penalt	y (adjusted for	ıımits)[_	\$5,000

	E	conomic	Benefit W	orks	sheet		•
Respondent	Effluent Recycl	lina. Inc.					
Case ID No.	•	<b>01</b>	•				
Reg. Ent. Reference No.							
		lazardous Waste					Years of
Violation No.		iazaidous vvasic				Percent Interest	Depreciation
Violation No.	4					1	•
		•		." -	* * *	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	in/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	2-Aug-2007	30-Jun-2008	0.9	\$46	n/a	\$46
Notes for DELAYED costs			Final Date is the e	stimated	date of compliant		
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before e			one-time avoided c	
Disposal		<u> </u>		0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		JL		0.0	1 40	30	30
Notes for AVOIDED costs			V				
Approx. Cost of Compliance		\$1,000	]		TOTAL		\$46

### **Compliance History**

CN601403488 Effluent Recycling, Inc. Classification: AVERAGE Rating: 1.50 Customer/Respondent/Owner-Operator: Regulated Entity: RN101569879 MICHAEL MARTIN & ASSOCIATES Classification: AVERAGE BY Site Rating: 3.01 **DEFAULT** ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 37305 REGISTRATION F1232 INDUSTRIAL AND HAZARDOUS WASTE **ID NUMBER** NONPERMITTED 1010 BENJAMIN ST, FORT WORTH, TX, 76164 Rating Date: September 01 06 Repeat Violator: Location: **REGION 04 - DFW METROPLEX** TCEQ Region: August 21, 2007 Date Compliance History Prepared: Enforcement Agency Decision Requiring Compliance August 21, 2002 to August 21, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Phone: (512) 239-6933 Name: Clinton Sims Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. B. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 03/23/2007 (539386)N/A Written notices of violations (NOV). (CCEDS Inv. Track. No.) Environmental audits. F. G. Type of environmental management systems (EMSs). H. Voluntary on-site compliance assessment dates. Participation in a voluntary pollution reduction program.

**FACILITY 1** 

N/A

Early compliance.

Sites Outside of Texas

N/A

		`
	Penalty Calculation Worksheet (PCW	()
Policy Revision 2 (09/		PCW Revision 6/12/2003
DATES		
RESPONDENT INFORMAT	16-Dec-2003   Screening   19-Dec-2003   Priority Due   17-Apr-200   ION   Effluent Recycling Inc	4 EPA Due
· ·	Used Oil Registration No. C87376; RN102755089	/Minor Source Minor
CASE INFORMATION		
Enf./Case ID No(s).	34430	
		No. Violations 1
Case Priority		pe 1660 with deferral <
Enf. Coordinator		am Team 4 <
Media Program(s)	Industrial and Hazardous Waste <	
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000	
	Penalty Calculation Section	
TOTAL BASE PENALT	Y (Sum of violation base penalties)	Subtotal 1 \$1,000
ADJUSTMENTS (+/-) T	O SUBTOTAL 1	
, ,	ined by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	+ totals 2, 3 & 7 \$0
Notes	No adjustments are recommended based on Average Performer classification.	+
Culpability	0% Enhancement	Subtotal 4 \$0
	No   <   Select Yes/No	Subtotal 4 50
Notes	The Respondent does not meet the culpability criteria.	+
Good Faith Effo	ort to Comply 0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	Subtotal 5 \$0
Extraordinary	Belofe NOV 10 EDI 11 / Jesticilicit Offici	•
Ordinary		
None of the above	X (mark with small x)	+
Notes	The Respondent does not meet the good faith effort criteria.	
Economic Bene	efit 0% Enhancement	Subtotal 6 \$0
	\$220 Total EB Amounts *Capped at the Total EB \$ Amount	t
	\$200 Approx. Cost of Compliance	=
SUM OF SUBTOTALS	<b>1-7</b> Fi	nal Subtotal \$1,000
OTHER EACTORS AS	JUSTICE MAY REQUIRE	+
	I	Adjustment \$0
Reduces or enhances the Final Sub-	total by the indicated percentage. (enter number only; e.g30 for -30%)	¬
Notes	Cinal Pon	┦
	rillai Feli	aity Amount \$1,000
STATUTORY LIMIT AD	JUSTMENT Final Asses	ssed Penalty \$1,000
DEFERRAL	Deferral Reduction	Adjustment \$0
Reduces the Final Assessed Penalty		-
· . [	No deferral is recommended because settlement was not achieved through	
Notes	the expedited process.	<u> </u>
PAYABLE PENALTY		\$1.000

FACILITY2



PCW

PCW Revision 6/12/2003

Respondent Effluent Recycling Inc

Case ID No. 34430

Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Terry Murphy

1117 South Commerce, Eastland County Site Address

#### Compliance History Worksheet

#### Compliance History Site Enhancement (Subtotal 2)

Component	Number of Ent	er Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	and the same	0%
	Other written NOVs		0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	What all man and a	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	Provide the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state	. 0%
Judgments	Any non-adjudicated final court judgments or consent decrees containin a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	g	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a deni of liability, of this state or the federal government	al	0%
Convictions	Any criminal convictions of this state or the federal government (numbe of counts)	r	0%
Emissions	Chronic excessive emissions events (number of events)		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%
	Please	enter Yes or No	

	Please er	iter Yes or No	
	Environmental management systems in place for one year or more		0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		0%
Other	Participation in a voluntary pollution reduction program		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements		0%

			Adjustment Percentage (Subtotal 2)	0%
>>	Repeat Violator (Sub	ototal 3)		
	No Select	'es/No	Adjustment Percentage (Subtotal 3)	0%
>>	Compliance History	Person Classification (Subtotal 7)		
	Average Performer	Select High, Average or Poor	Adjustment Percentage (Subtotal 7)	0%
Complia	nce History Summary		•	
	Compliance History Notes	No adjustments are recommended based or	n Average Performer classification.	
	b	Total Adjustment P	arcantage (Subtotals 2 3 8 7)	Λº/-

***************************************	Screening Date			t Number	2007-0619-MLM-E	Dalla. D	PCW
	•	Effluent Recyclin	ng Inc			-	evision 2 (09/02) vision 6/12/2003
	Case ID No.					POW Re	VISION 6/12/2003
Respon	ndent/Site ID No.				55089		
	Media [Statute]		azardous Waste	9			
	Enf. Coordinator	Terry Murphy	า				
	Violation Number	1	L				1
	rimary Rule Cite		30 Tex. Admi	n. Code §§ 3	335.5 and 335.6(a)		
	Secondary Cite(s)						
Viol	ation Description				comply with written or e		
		notification requ	irements for the	e disposal of	industrial solid waste	at the Facility.	
	Į	<u> </u>	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7		-	Base Penalty	\$10,000
<b>»</b>	Environmental,	Property and F	duman Healtl	h Matriy	•	base r charty	φ10,000 ·
"	Liviloiintentai,	roperty and r	Harm	IIIVICUIX	· 1		
	Release	Major	Moderate	Minor			
OR	Actual	Major	Wioderate	IVILITOI	•		_
UK					Percent	· ,	·
	Potential		<u> </u>	<u> </u>	1 el cent _i		•
	Drogrammatic N	  atriv					•
<b>»</b>	Programmatic M		Madausta	h //:			•
OR	Falsification	Major x	<u>Moderate</u>	Minor	Percent	10%	•
					Torcont	1070	•
Matrix Notes		100% of the rul	le requirement v	was not met.			•
110100							
					Adjustment	-\$9,000	
					Base Pena	ılty Subtotal	\$1,000
	Violation Events			,			• '
	Number of Vi	olation Events	1				
				า .			•
mark	only one; use small x	daily					•
		monthly					•
	·	quarterly				<b>;-</b> -	•
		semiannual			Violation Ba	se Penalty	\$1,000
		annual					
		single event	x				
					<u>-</u>		
Events	One single event i				the violation during		¥ ************************************
Notes		trie April 16,	2003, investiga	tion date.			
		Ct (CD) f th:-			Nat. da		· · · · · · · · · · · · · · · · · · ·
	Economic Benef	III (ED) TOT THIS	violation	•	Statutory Limit Test		The state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the s
	Estimated E	B Amount (\$)	\$220		Violation Final Pe	enalty total	\$1,000
	Limated B	~ / Imount (b) [					Ψ1,000
		This Vio	lation Final .	Assessed	Penalty (adjusted	for limits)	\$1,000
	•					- 444	

		Economic	Benefit Wor	rkshee	et		
Respondent	Effluent Recycling	inc			_		
ID Number(s)	34430					Percent	Years of
Media [Statute]	Industrial and Haza	ardous Waste				Interest	Depreciation
Violation Number	. 1					5.0	15
<u>.</u>	ltem	Date	Final	Yrs	Interest	Onetime	EB
ltem Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Equipment			·	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0.
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0:
Notes for DELAYED costs							
Avoided Costs	^A	NNUALIZE [1] a	voided costs bet			ot for one-time av	-
Disposal	Α	NNUALIZE [1] a	voided costs bet	0.0	\$0	\$0	\$0
Disposal Personnei	A	NNUALIZE [1] a	voided costs bet	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	Α	NNUALIZE [1] a	voided costs bet	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip	Α	NNUALIZE [1] a	voided costs bet	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnei Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]	A	NNUALIZE [1] a	voided costs bet	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip				0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnei Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]	\$200	16-Apr-2003	· 18-Jun-2004	0.0 0.0 0.0 0.0 0.0 0.0 2.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$200	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$200	16-Apr-2003	· 18-Jun-2004	0.0 0.0 0.0 0.0 0.0 0.0 2.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$220

ge 1 of 10 04/02/09	H:\ENFORCE\AGENDA\Backup In Review Process\JC	
	Penalty Calculation Wor	
ICEQ Policy Revision 2 (09/0	02)	PCW Revision 6/12/
DATES		
		prity Due 17-Feb-2004   EPA Due
RESPONDENT INFORMAT	Effluent Recycling Inc	
•		
Facility/Site Region	Used Oil Registration No. C87376; RN102755089  3 - Abilene	Major/Minor Source Minor
CASE INFORMATION	o - Abiletic	majoriminor Gourge (Militor
Enf./Case ID No(s).	34430	
	2007-0619-MLM-E	No. Violations 4
Case Priority		Order Type 1660 without deferral
Enf. Coordinator		EC's Team Team 4
Media Program(s)		20
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$2,50	DO
	Penalty Calculation	Section
	V (Sum of violation has a sandtion)	
OTAL BASE PENALI	Y (Sum of violation base penalties)	Subtotal 1 \$12,
ADJUSTMENTS (+/-) T	O SURTOTAL 1	
	ined by multiplying the Total Base Penalty (Subtotal 1) by the indicate	ed percentage +
Compliance His	story 0% Enhance	
Notes	No adjustments are recommended due to Average Po	erformer classification. +
		<u> </u>
Culpability	0% Enhance	cement Subtotal 4
	No < Select Yes/No	Gastotal 4
		illie, addedia
Notes	The Respondent does not meet the culpab	mity official.
Good Faith Effo	ort to Comply 0% Reduct	ion . Subtotal 5
Coou raidi Elle	Before NOV NOV to EDPRP/Settlement Offer	Subtotal V
Extraordinary		
Ordinary		
None of the above	X (mark with small x)	+
Notes	The Respondent does not meet the good faith	n effort criteria.
	3000	
Economic Bene	efit 0% Enhance	cement* Subtotal 6
	\$437 Total EB Amounts *Cappe	ed at the Total EB \$ Amount
	\$7,500 Approx. Cost of Compliance	=
SUM OF SUBTOTALS	1-7	Final Subtotal \$12,2
	<u></u>	+
THER FACTORS AS	JUSTICE MAY REQUIRE	Adjustment
educes or enhances the Final Subj	total by the indicated percentage. (enter number only; e.g30	
Notes		=
		Final Penalty Amount \$12,2
TATUTORY LIMIT AD	JUSTMENT	Final Assessed Penalty \$12,2
	<u> </u>	
EFERRAL	DeferralReducti	ion Adjustment
Reduces the Final Assessed Penalty	y by the indicated percentage. (enter number only; e.g. 20 f	for 20% reduction)
Notes	No deferral recommended because settlement was no	ot achieved through the
110103	expedited process.	_
PAYABLE PENALTY		\$12,2
AIADLE LENALII	•	<b>₽ ₽</b> 12.23

FACILITY 2



Total Adjustment Percentage (Subtotals 2, 3 & 7)

0%

Screening Date 19-Dec-03  Respondent Effluent Recycling Inc Case ID No. 34430  Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089  Media [Statute] Used Oil Enf. Coordinator Terry Murphy Violation Number Primary Rule Cite  30 Tex. Admin. Code § 324.4 and 40 CFR § 279.12(a)	
Case ID No. 34430  Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089  Media [Statute] Used Oil  Enf. Coordinator Terry Murphy  Violation Number 1	
Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089  Media [Statute] Used Oil Enf. Coordinator Terry Murphy Violation Number 1	2003
Enf. Coordinator Terry Murphy Violation Number 1	
Violation Number 1	
Primary Rule Cite 30 Tex. Admin. Code § 324.4 and 40 CFR § 279.12(a)	
Secondary Cite(s) Tex. Water Code § 26.121	
Violation Description Failure to manage used oil in such a manner that does not endanger the welfare of the environment. Used oil shall not be managed in surface impoundments unless subject to 40 CFR Part 264 or 265. Specifically, the discharge of volatile organics, total petroleum hydrocarbons, and metals have impacted the soil.	
Base Penalty \$2,	2,500
» Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor	
OR Actual X	
Potential Percent 25%	
» Programmatic Matrix	
Falsification Major Moderate Minor	
OR Percent .	
X er cent	
Human health or the environment has been exposed to significant amounts of pollutants. Soil samples collected at the above ground storage tank area and the surface impoundment indicate the presence of lead, Benzene, Ethylbenzene, tert-Butyl Methyl Ether, Toluene, Xylenes and Petroleum Hydrocarbons.	
Adjustment -\$1,875 · · · ·	
	\$625
Violation Events	POZ3
Number of Violation Events 9	
Number of violation Events	• •
·	
mark only one; use small x daily v	
quarterly	~~-
semiannual Violation Base Penalty \$5,6	o <b>∠</b> 5
annual	
single event	i
Nilsa was with a secretary and a second poor described a state of the second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second second se	1
vents Nine monthly events are recommended based upon documentation of the violation during the April 16, 2003, investigation date, to the December 19, 2003, screening date.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount (\$) \$287 Violation Final Penalty total \$5,6	,625
This Violation Final Assessed Penalty (adjusted for limits) \$5,6	.625

Page 3

Page 4 of 10 04/02/09	H:\ENFORCE\AGI					12250 PCW Fac	cility 2-used oil.qpw
		Economic	Benefit Wo	rkshee	et		
Respondent	Effluent Recycling	lnc lnc				~~~~	
ID Number(s)	34430					Percent	Years of
Media [Statute]	Used Oil				.	Interest	Depreciation
Violation Number	· 1				<u> </u>	5.0	15
	Item	Date	Final	Yrs	Interest -	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Description	THE COMMING OF C						
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction	<u></u>			0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	. \$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		16-Apr-2003	8-Jun-2004	1.1	\$287	n/a	\$287
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs				0.01	Ψ0,	100	Ψ0
		Estimated cost	to properly remed	diate and	dispose of contar	minated soil.	
A							
Avoided Costs Disposal		ANNUALIZE [1] a	voided costs bei				
				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2] ONE-TIME avoided costs [3]	<del> </del>			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	L			0.0	\$0	\$0	\$0
110005 101 111 01555 0000							
	<u> </u>				PAULINIA III III III III III III III III III		
Approx Cost of Compliance	\$5,000				т	OTAL	\$287
Approx cost or comprise	ψ5,000]				•		Ψ207]
		•					

e 5 of 10 04/02/	'09 H:\ENF	ORCEVAGENDA	∖Backup In Rev	iew Proces	s\JCook\Effluent Rec	ycling\C 12250 PC\	V Facility 2-used
Sci	reening Date	19-Dec-03	Docke	t Number	2007-0619-MLM-E		PCW
	-	Effluent Recyclin	ng Inc				ision 2 (09/02)
•	Case ID No.					PCW Revi	sion 6/12/2003
,		Used Oil Registi	ration No. C873	76; RN102	755089		
•	dia [Statute]						
1	Coordinator		ล				
	tion Number	2					
4	ry Rule Cite	30	) Tex. Admin. C	Code § 324.	6 and 40 CFR § 279.2	22	
	ndary Cite(s)						
Violation	Description	condition with "Used Oil". Sp was evident fror	no visible leaks pecifically, the in m two leaking va	s, and label nvestigation alves that a	al") used oil storage t ed or marked clearly v documented staining re connected to two o no labeling of tanks.	with the words g of the ground	
	•					Base Penalty	\$2,500
» Env	vironmental,	Property and I	Human Health	h Matrix		·	
	ŕ		Harm		J		
	Release	Major	Moderate	Minor			
OR	Actual			х			
	Potential				Percen	t 10%	•
			<u></u>		1	Ananima manananananananananananananananananan	•
» Pro	grammatic M	latrix					•
	alsification	Major	Moderate	Minor			
OR					Percen	t	
		n did not exceed		protective o	gnificant amounts of f human health or		•
					Adjustment	t -\$2,250 · ·	
					**	nalty Subtotal	\$250
Viol	ation Events						
1		olation Events	3	Ī			
-				T)			•
mark only c	one; use small x	daily					
		monthly					
		quarterly	х				
		semiannual			Violation E	Base Penalty	\$750
		annual					
		single event					
						=7)	1
		ne April 16, 2003			umentation of the December 19, 2003,		
Eco	nomic Benef	īt (EB) for this	violation		Statutory Limit Te	st	
	Estimated E	B Amount (\$)	\$24		Violation Final I	Penalty total	\$750
11 11 11 11 11 11 11 11 11 11 11 11 11		Thin Via	lation Einal	Accocco	l Penalty (adjuste	ad for limite)	\$750

Page 6 of 10 04/02/09	H:\ENFORCE\AGI	ENDA\Backup In F	Review Process\.	ICook\Eff	luent Recycling\C	: 12250 PCW Fac	cility 2-used oil.qpv
		Economic	Benefit Wo	rkshee	et		
Respondent	Effluent Recycling	Inc					
ID Number(s)	34430			•		Percent	Years of
Media [Statute]	Used Oil					interest	Depreciation
Violation Number	2					5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
ltem Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Equipment	\$300	16-Apr-2003	8-Jun-2004	1.1	\$1	\$23	\$24
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0 \$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		l					
	Estim	nated cost to repair	r or replace the le	eaking va	lves and label us	ed oil storage tan	ks.
Avoided Costs		ANNUALIZE [1] av	oided costs be	ore ente	ring item (excep		/oided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip	·			0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx Cost of Compliance	\$300				Т	TOTAL	\$24
	<del></del>				•		
(							193111.11

Respondent Effluent Recycling Inc Case ID No. 34430  Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089  Media [Statute] Used Oil Enf. Coordinator Violation Number Primary Rule Cite Secondary Cite(s) Violation Description  Failure to provide documentation to meet the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Property and Human Health Matrix
Case ID No. 34430  Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089  Media [Statute] Used Oil  Enf. Coordinator Terry Murphy  Violation Number  Primary Rule Cite Secondary Cite(s)  Violation Description  Failure to provide documentation to meet the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty  \$2,500  **PCW Revision 6/12/2003  PCW Revision 6/12/2003  PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **PCW Revision 6/12/2003  **
Respondent/Site ID No. Used Oil Registration No. C87376; RN102755089  Media [Statute] Used Oil  Enf. Coordinator Terry Murphy  Violation Number 3  Primary Rule Cite 30 Tex. Admin. Code § 324.1 and 40 CFR §§ 279.44(a) and 279.53(a)  Secondary Cite(s) 30 Tex. Admin. Code § 324.12(3) and 40 CFR § 279.57  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty \$2,500  **Base Penalty**
Media [Statute] Used Oil  Enf. Coordinator Violation Number Primary Rule Cite Secondary Cite(s)  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty  \$2,500  **Primary Rule Cite* 30 Tex. Admin. Code § 324.1 and 40 CFR § 279.57  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  **Base Penalty**  \$2,500  **Primary Rule Cite* 30 Tex. Admin. Code § 324.1 and 40 CFR § 279.57  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  **Base Penalty**  **Primary Rule Cite* 30 Tex. Admin. Code § 324.1 and 40 CFR § 279.44(a) and 279.53(a)  Text Admin. Code § 324.12(3) and 40 CFR § 279.57  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(iii), and failure to meet operating record requirements for not having a facility analysis plan.
Enf. Coordinator Terry Murphy Violation Number Primary Rule Cite Secondary Cite(s)  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty  \$2,500  **Primary Rule Cite* 30 Tex. Admin. Code § 324.1 and 40 CFR § 279.44(a) and 279.53(a)  Text Admin. Code § 324.12(3) and 40 CFR § 279.57  **Primary Rule Cite* Secondary Cite* 10
Violation Number Primary Rule Cite Secondary Cite(s)  30 Tex. Admin. Code § 324.1 and 40 CFR §§ 279.44(a) and 279.53(a)  30 Tex. Admin. Code § 324.12(3) and 40 CFR § 279.57  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty  \$2,500  **Primary Rule Cite* 30 Tex. Admin. Code § 324.1 and 40 CFR § 279.44(a) and 279.53(a)  The primary Rule Cite* 30 Tex. Admin. Code § 324.1 and 40 CFR § 279.44(a) and 279.53(a)  Base Penalty  \$2,500
Primary Rule Cite Secondary Cite(s)  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty  \$2,500  **Primary Rule Cite*  30 Tex. Admin. Code § 324.1 and 40 CFR § 279.44(a) and 279.53(a)  The provided documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.
Secondary Cite(s)  30 Tex. Admin. Code § 324.12(3) and 40 CFR § 279.57  Violation Description  Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty \$2,500  **Property and Human Health Matrix*
Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty \$2,500  Base Penalty \$2,500
Failure to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR § 279.10(b)(1)(ii), and failure to meet operating record requirements for not having a facility analysis plan.  Base Penalty \$2,500  Base Penalty \$2,500
» Environmental, Property and Human Health Matrix
» Environmental, Property and Human Health Matrix
Harm
Release Major Moderate Minor
OR Actual ·
Potential Percent .
1 Otolitical
» Programmatic Matrix
Falsification Major Moderate Minor  OR Percent 10%
7 Tercent 10%
Matrix 100% of the rule requirements were not met.
Notes Contract and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management and the restaurant management management and the restaurant management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management management mana
Adjustment -\$2,250 · · · ·
Base Penalty Subtotal \$250
Violation Events .
Number of Violation Events 1
mark only one; use small x daily
monthly
quarterly
semiannual Violation Base Penalty \$250
annual
single event X
Events One single event is recommended based on documentation of the violation during
Notes the April 16, 2003, investigation date.
notes the April 10, 2005, investigation date.
Economic Benefit (EB) for this violation  Statutory Limit Test
Economic Benefit (EB) for this violation Statutory Limit Test

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Page 8 of 10 04/02/09	H:\ENFORCE\AGE	ENDA\Backup in F	Review Process\J	Cook\Ef	fluent Recycling\	C 12250 PCW Fac	cility 2-used oil.qpw
		Economic	Benefit Wo	rkshee	et		
Respondent	Effluent Recycling	Inc					
ID Number(s)	34430	*			,	Percent	Years of
Media [Statute]	Used Oil					Interest	Depreciation
Violation Number	3					5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Describitori							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	16-Apr-2003	8-Jun-2004	1.1	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs				1 -1 11 - 1			
	Estimated cost to		re-refined is above			tent of used oil bei	ing transported
		<u> </u>					
Avoided Costs	<i>F</i>	NNUALIZE [1] av	voided costs bet			pt for one-time a	voided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	. \$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs	L			0.0	\$0	\$0	. \$0
Notes for A voided costs							
	L						
Approx Cost of Compliance	\$200					TOTAL	\$11
rippion cost of compliance	φζυυ						Ψ11]

f 10 04	or						g\C 12250 PC\	N Facility 2-use <b>PCW</b>
	Screening Date			t Number	2007-0619-N	ILM-E	Policy Rev	ision 2 (09/02)
	-	Effluent Recyclin	ng Inc				-	sion 6/12/2003
_	Case ID No.							01011 07 12/2000
Respon	ident/Site ID No.		ration No. C873	376; RN102	755089			
_	Media [Statute]						•	
	Enf. Coordinator		1					
	iolation Number		<u> </u>					
	rimary Rule Cite		Tex. Admin. C	ode § 324.	2 and 40 CFF	₹ § 279.52		
	econdary Cite(s)				######################################			
V 1012	ntion Description	system capable number of func any possible	pecifically, the of providing e	facility failed mergency in guishers, ac e for the cor	I to provide the estructions (volume lequate volume leainer storage	e following; a lice or signal le of water to a areas, and	an alarm ), a proper suppress to make	
						Ba	se Penalty	\$2,500
<b>»</b>	Environmental,	Property and I	Human Healt	h Matrix				•
			Harm		]			
	Release	Major	Moderate	Minor				•
OR	Actual							
	Potential	х				Percent	25%	
						***************************************		
<b>&gt;&gt;</b>	Programmatic N	/atrix						
	Falsification	Major	Moderate	Minor				
OR					<u> </u>	Percent		
]	r : : : : : : : : : : : : : : : : : : :		<u> </u>	1				•
Matrix Notes		nd the environme ch could exceed l enviro		protective o				•
					A 41.	stment	P4 07E	•
					_		-\$1,875 ·	
	\ P = 1 = 40 = 10				ı	ase Penalty	Subtotal	\$625
	Violation Events	ı		1				•
	Number of Vi	olation Events	9	<u>]</u>				
		1		1	ı			•
mark	only one; use small x	daily		4	I			•
		monthly	Х	1				•
		quarterly			17:-1	D	D 14-	
•		semiannual			Viola	ation Base	e renaity	\$5,625
•		annual		4				
		single event		J				
Events Notes	Nine monthly eve during the April 1							
,[	١		44.5.	····				
	Economic Bene	fit (EB) for this	violation		Statutory Li	mit Test		
	Estimated E	B Amount (\$)	\$115		Violation	Final Pen	alty total	\$5,625

	TIMENT OTTOETTO	EMDA/Backup III I	Teview Flocessi	JOOKILI	ffluent Recycling\C	3 12200 1 OVV 1 a	cility 2-used oil.c
_ ,		Economic I	Senefit Wo	rksnee	eτ		
•	Effluent Recycling	Inc			Г	Danasat	
ID Number(s)						Percent Interest	Years of Depreciation
Media [Statute] Violation Number						5.0	•
Violation Number		Data	Final	Yrs	Interest	Onetime	15 EB
ltem Description	Item Cost No commas or \$	Date Required	Final Date	115	Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$C
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	· \$0	n/a	\$C
Other (As Needed)	\$2,000	16-Apr-2003	8-Jun-2004	1.1	\$115	n/a	\$115
	Estimated	cost to maintain a	nd operate the f	acility to r	minimize the poss	ibility of fire or ex	plosion.
			· · · · · · · · · · · · · · · · · · ·		·		
Avoided Costs	,	cost to maintain a	· · · · · · · · · · · · · · · · · · ·	fore ente	ering item (excep	t for one-time a	voided costs)
Disposal	, , , , , , , , , , , , , , , , , , ,		· · · · · · · · · · · · · · · · · · ·	fore ente	ering item (excep	t for one-time a	voided costs) \$0
Disposal Personnel	, , , , , , , , , , , , , , , , , , ,		· · · · · · · · · · · · · · · · · · ·	fore ente	ring item (excep	t for one-time a	voided costs) \$0
Disposal Personnel Inspection/Reporting/Sampling	<i>A</i>		· · · · · · · · · · · · · · · · · · ·	0.0 0.0 0.0	ring item (excep	t for one-time at \$0 \$0 \$0	voided costs) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip	<i>A</i>		· · · · · · · · · · · · · · · · · · ·	0.0 0.0 0.0 0.0	sring item (excep \$0 \$0 \$0 \$0	t for one-time a \$0 \$0 \$0 \$0	voided costs) \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]	<i>A</i>		· · · · · · · · · · · · · · · · · · ·	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	t for one-time av \$0 \$0 \$0 \$0 \$0 \$0	voided costs) \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]			· · · · · · · · · · · · · · · · · · ·	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	t for one-time av \$0 \$0 \$0 \$0 \$0 \$0 \$0	voided costs) \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]			· · · · · · · · · · · · · · · · · · ·	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	t for one-time av \$0 \$0 \$0 \$0 \$0 \$0	voided costs) \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			· · · · · · · · · · · · · · · · · · ·	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	t for one-time av \$0 \$0 \$0 \$0 \$0 \$0 \$0	voided costs) \$0 \$0

.

## **Compliance History**

Custome	er/Respondent/Owner-Operator:	CN601403488	EFFLUENT RECYCLING IN	IC .	Classification: AVERAGE	Rating: 1,50
Regulate	ed Entity:	RN102755089	EFFLUENT RECYCLING IN	IC	Classification: HIGH	Site Rating: 0.00
ID Numb	per(s):	USED OIL		REGISTRA	TION	A85740
		USED OIL		REGISTRA	TION	C87376
Location	:	1117 S COMMERCE	ST, RANGER, TX, 76470		Rating Date: 9/1/03 Repea	t Violator: NO
TCEQ R	egion:	REGION 03 - ABILEI	NE			
Date Co	mpliance History Prepared:	December 03, 2003				
Agency Decision Requiring Compliance History:		Enforcement				
Complia	nce Period:	December 02, 1998 t	to December 02, 2003			
TCEQ S	taff Member to Contact for Additional Inforr	nation Regarding this Co	mpliance History			
Name:	Kent B. Heath	Phone	e: <u>(512) 239-4575</u>		· · · · · · · · · · · · · · · · · · ·	
		Site Co	mpliance History Compo	onents		
1. Has th	ne site been in existence and/or operation f			Yes		
	nere been a (known) change in ownership o			No	•	
	who is the current owner?			N/A		
4. if Yes	, who was/were the prior owner(s)?			N/A		<del></del>
5. When	did the change(s) in ownership occur?			N/A		
Compo	nents (Multimedia) for the Site :					
A.	Final Enforcement Orders, court judgem	nents, and consent decre	es of the state of Texas and	the federal gove	ernment.	
	N/A			•		
В	Any criminal convictions of the state of I	Fever and the federal sec	vernment	•		
B.		i exas and the lederal gov	vorminent.			
_	N/A					
C.	Chronic excessive emissions events.		•			
5	N/A The dates of investigations				•	
D.	The dates of investigations.  1 07/22/2002					
	2 05/21/2003					
	3 02/15/2002					
E.	Written notices of violations (NOV).				•	
	N/A					
F.	Environmental audits.					
	N/A					
G.	Type of environmental management sys	stems (EMSs).				
	N/A	*				
H.	Voluntary on-site compliance assessme	nt dates.				
	N/A					
1.	Participation in a voluntary pollution redu	uction program.				
	N/A					•
J.	Early compliance.					
	N/A					
Sites Ou	tside of Texas		1			

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
EFFLUENT RECYCLING, INC.	§	
RN101569879 AND RN102755089	§.	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2007-0619-MLM-E

#### I. JURISDICTION AND STIPULATIONS

At its	agenda, the Texas Commission on Environmental Quality
("Commission" or "TCEQ") cons	idered this agreement of the parties, resolving an enforcement
action regarding Effluent Recycling	g, Inc. ("Effluent") under the authority of Tex. WATER CODE chs.
7 and 26 and TEX. HEALTH & SAFE	TY CODE chs. 361 and 371. The Executive Director of the TCEQ,
	sion, and Effluent appear before the Commission and together
stipulate that:	

- 1. Effluent owns and operates an industrial hazardous waste generation, storage, and disposal facility located at 1010 Benjamin Street, Fort Worth, Tarrant County, Texas ("Facility 1").
- 2. At the time of the violations, Effluent owned and operated a used oil handling facility at 1117 South Commerce, Ranger, Eastland County, Texas ("Facility 2").
- 3. This Agreed Order is entered into pursuant to Tex. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. WATER CODE § 5.013 because it alleges violations of Tex. Health & Safety Code chs. 361 and 371 and Tex. WATER CODE ch. 26 and TCEQ rules.
- 4. The Commission and Effluent agree that the Commission has jurisdiction to enter this Agreed Order, and that Effluent is subject to the Commission's jurisdiction.
- 5. Effluent received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2001, May 5, 2002, May 26, 2003, and March 31, 2007.
- 6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Effluent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of eighty-six thousand six hundred sixty dollars (\$86,660.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Commission's Financial Administration Division reviewed the financial documentation submitted by Effluent and determined that Effluent is unable to pay part of the administrative penalty. Therefore, eighty-three thousand sixty dollars (\$83,060.00) of the penalty is deferred contingent upon Effluent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Effluent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Effluent to pay all or part of the deferred penalty.

Effluent paid one hundred dollars (\$100.00) of the undeferred administrative penalty. The remaining amount of three thousand five hundred dollars (\$3,500.00) shall be payable in 35 monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Effluent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the acceleration of any remaining balance constitutes the failure by Effluent to timely and satisfactorily comply with all the terms of this Agreed Order and the Executive Director may demand payment of any deferred penalty amount.

- 8. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 9. The Executive Director of the TCEQ and Effluent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 10. The Executive Director recognizes that Effluent ceased operations at Facility 2 on or about May 2008, when the real estate and equipment was foreclosed on.
- 11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Effluent has not complied with one or more of the terms or conditions in this Agreed Order.
- 12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

- 1. During an investigation conducted at Facility 1 on October 23, 2001, and February 19, 2002, a TCEQ Dallas/Fort Worth Regional Office investigators documented that Effluent violated:
  - a. 30 Tex. Admin. Code §§ 335.2(a) and 335.43(a) and 40 CFR § 270.1(c) by failing to obtain a permit to store hazardous waste in on-site storage tank #3, the in ground tank, and frac tanks #1 and #2. Specifically, sample results from investigations conducted on October 23, 2001 and February 19, 2002 indicated that the on-site storage tank #3, the in-ground tank, and frac tanks #1 and #2 were managing characteristically hazardous waste.
  - b. 30 Tex. Admin. Code § 335.112(a)(8) and 40 CFR §§ 265.173 and 265.176 by failing to close hazardous waste containers, except when necessary to add or remove waste and failing to maintain containers holding ignitable waste at least fifty feet from the Facility's property line. Specifically, frac tanks #1 and #2 containing elevated levels of benzene were not properly closed and did not have seals for any type of closure, as is required. The location of frac tanks #1 and #2 at the southwest corner of the property were approximately ten feet from the property line.
- 2. During an investigation conducted at Facility 1 on February 15, 2002, TCEQ Dallas-Fort Worth investigators documented that Effluent violated 30 Tex. Admin. Code § 335.112(a)(9) and 40 CFR § 265.192 by failing to provide written assessment that was reviewed and certified by an independent, qualified, registered professional engineer attesting that the tank and tank system had sufficient structural integrity and was acceptable for the storing and treating of hazardous waste. Specifically, Effluent was unable to provide any written assessments that were reviewed and certified by an independent, qualified, registered professional engineer for the in-ground tank and the on-site storage tank #3.
- 3. During an investigation conducted at Facility 1 on October 23, 2001, TCEQ Dallas-Fort Worth investigators documented that Effluent violated 30 Tex. Admin. Code § 335.112(a)(9) and 40 CFR § 265.193 by failing to install and maintain secondary containment which is designed to prevent any migration of wastes or accumulated liquids out of the system into the soil, groundwater, or surface water at any time during the use of the tank system. Specifically, there was no secondary containment for the in-ground tank or on-site storage tank #3.

- 4. During an investigation conducted at Facility 1 on October 23, 2001, TCEQ Dallas-Fort Worth investigators documented that Effluent violated 30 Tex. ADMIN. CODE § 335.112(a)(9) and 40 CFR § 265.195(g) by failing to provide documentation for inspections conducted on the tank system. Specifically, there was no documentation to indicate that the Effluent conducted any inspections of the in-ground tank and the on-site storage tank #3.
- 5. During investigations conducted at Facility 1 on June 6, 2001, October 23, 2001, and February 15, 2002 TCEQ Dallas-Fort Worth investigators documented that Effluent violated:
  - a. 30 Tex. Admin. Code § 335.4(1), by failing to prevent the disposal of industrial solid waste in such a manner to cause the discharge or imminent threat of discharge into or adjacent to the waters in the state without specific authorization. At the time of the June 6, 2001, and October 23, 2001, investigations, the investigator collected soil samples, and analytical results confirmed elevated levels of petroleum constituents. At the time of the June 6, 2001, investigation, gasoline and oil stained soils were observed throughout the property, with significant discharges in the storage tank containment area. Also, during the February 15, 2002, investigation, the investigator observed significant amounts of oils and contaminated water sitting on the earthen floor of the unit, and tank maintenance waters appeared to have discharged from the open top of frac tank #1, affecting the tank and adjacent surface soils within an approximate ten foot radius of the tank.
  - b. 30 Tex. ADMIN. Code § 335.62 and 40 CFR § 262.11 by failing to conduct a complete Hazardous Waste Determination for the ground storage tank bottoms, the contents of the four storage tanks, the contaminated soil in the roll-off box, the contents of the in-ground tank, and the contents of the two frac tanks. Specifically, samples collected October 23, 2001, revealed a flash point of <400 F from Frac Tank #1, Frac Tank #2 revealed TCLP benzene of 5.8 mg/L, and Storage tank #3 revealed TCLP benzene of 9.6 mg/L. Samples collected February 19, 2002, revealed that the solids from the in-ground tank were 1.5mg/L TCLP benzene and the liquids revealed 0.61 mg/L TCLP benzene.
- During inspections conducted at Facility 1 on June 6, 2001, and February 15, 2002, a TCEQ Dallas-Fort Worth investigator documented that Effluent violated 30 Tex. Admin. Code §§ 327.3(b) and 327.5(c) by failing to make notifications of reportable discharges or spills into the environment within twenty-four hours. During the June 6, 2001, and February 15, 2002, investigations, the investigator observed large pools of liquids and oily wastes throughout the walled area and significant surface staining throughout the property indicated the occurrence of spills at least since the June 6, 2001, investigation. However, the TCEQ has no records of any notifications of reportable discharges or spills submitted by Effluent.

- 7. During an investigation conducted at Facility 2 on April 16, 2003, a Dallas-Fort Worth investigator documented that Effluent violated:
  - a. 30 Tex. ADMIN. Code §§ 335.5 and 335.6(a) by failing to deed record and failing to comply with written or electronic notification requirements for the disposal of industrial solid waste at the Facility.
  - b. 30 Tex. ADMIN. Code § 324.4, 40 CFR § 279.12(a), and Tex. Water Code § 26.121, by failing to manage used oil in such a manner so as not to endanger the welfare of the environment. Used oil shall not be managed in surface impoundments unless subject to 40 CFR Parts 264 or 265. Specifically, the discharge of volatile organics, total petroleum hydrocarbons, and metals have impacted the soil.
  - c. 30 Tex. Admin. Code § 324.6 and 40 CFR § 279.22 by failing to maintain six 12,000 gallon used oil storage tanks in good condition with no visible leads and labeled or marked clearly with the words "Used Oil." Specifically, the ground was stained from two leaking valves that were connected to two of the 12,000 gallon tanks and the tanks were not labeled.
  - d. 30 Tex. Admin. Code §§ 324.1 and 324.12(3) and 40 CFR §§ 279.44(a) and 279.57 and 279.53(a) by failing to provide documentation to meet the rebuttable presumption for used oil as a transporter and processor/re-refiner under the rebuttable presumption of 40 CFR 279.10(b)(ii) and failing to have a facility analysis plan.
  - e. 30 Tex. ADMIN. Code § 324.12 and 40 CFR § 279.52 by failing to maintain and operate the Facility to minimize the possibility of a fire or explosion. Specifically, the Facility failed to provide the following: an alarm system capable of providing emergency instructions (voice or signal); a proper number of functional fire extinguishers; adequate volume of water to suppress any possible fires; isle space for the container storage areas; arrangements to familiarize local authorities with the layout of the Facility.
- 8. During an investigation conducted at Facility 1 on August 2, 2007, TCEQ Dallas-Fort Worth Regional Office investigators documented that Effluent violated the following requirements:
  - a. 30 Tex. ADMIN. Code § 324.22(d)(3), by failing to provide secondary containment for all areas where used oil is stored, transferred, or otherwise handled, including, but not limited to, loading docks, parking areas, storage areas, and any other areas where shipments of used oil are held for more than 24 hours. Specifically, used oil had been transported to and stored at the Facility without secondary containment.

- b. 30 Tex. ADMIN. Code §§ 324.11(2) and 324.4(2)(C)(i), by failing to obtain a registration for transporting and storing used oil. Specifically, approximately 200 55-gallon drums containing used oil had been stored at the Facility for approximately three calendar years.
- c. 30 Tex. Admin. Code §§ 37.2011 and 324.22(b),(c), and (e), by failing to establish and maintain financial assurance for soil remediation. Specifically, Effluent did not have financial assurance at the time of the investigation.
- d. 30 Tex. ADMIN. Code §§ 324.4(1), by failing to prevent the discharge of used oil from tanks and containers to surface soils. Specifically, used oil and/or hydraulic fluid from an industrial compressor on the property was noted to have discharged to approximately 25 square feet of soil.
- e. 30 Tex. Admin. Code § 334.47(a)(2), by failing to permanently remove from service or bring into timely compliance with upgrade requirements an existing Underground Storage Tank ("UST") system. Specifically, Effluent failed to permanently remove from service or bring into compliance a registered, temporarily out-of-service UST at the Facility.
- f. 30 Tex. Admin. Code § 335.4(1), by failing to prevent the discharge of wastes from tanks and containers to surface soils. Specifically, discharges of dye waste mixed with used oil, petroleum products and/or other wastes and absorbents were observed on approximately 14,000 square feet of soil at the Facility.
- g. 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 CFR § 265.190, by failing to limit storage of hazardous waste to 90 days or less, and failing to prevent the accumulation and/or storage of hazardous waste in tanks without adequate secondary containment, integrity assessment, and recordkeeping. Specifically, samples of the wastes collected from Frac Tanks 1 and 2 and Storage Tank 3 indicated the wastes were characteristically hazardous for Benzene (D018), and had been stored for approximately three calendar years without secondary containment, integrity assessment, and recordkeeping. In addition, hazardous wastes (Benzene D018) had been stored in three tanks (two stationary "frac" tanks and one tank inside a concrete walled area in the central portion of the property) for approximately three calendar years without secondary containment, integrity assessment, and recordkeeping, which is required under the provisions of 40 Code of Federal Regulations 265 Subchapter J.
- h. 30 Tex. ADMIN. CODE § 335.62 and 40 CFR § 262.11, by failing to conduct an appropriate hazardous waste determination on wastes generated at the Facility.

Specifically, analysis of a sample from a drum of unknown waste located along the north fence line exhibited toxicity characteristic for Chromium (D007). Additionally, no waste determination had been conducted on the contents of a 6,000 gallon polyplastic tank.

#### III. DENIALS

Effluent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Effluent pay an administrative penalty as set forth in Section I, Paragraph 7, above. The payment of this administrative penalty and Effluent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Effluent Recycling, Inc., Docket No. 2007-0619-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Effluent shall undertake the following technical requirements at Facility 1:
  - a. Immediately upon the effective date of the Commission Order, Effluent shall:
    - i. Develop and implement procedures to prevent any unauthorized discharges of wastes, used oil, and any other materials, in accordance with 30 Tex. ADMIN CODE §§ 324.4(1) and 335.4;
    - ii. Begin maintaining documentation of inspections conducted on the in-ground tank and the on-site storage tank #3, in accordance with 40 CFR § 265.195(g); and
    - iii. Remove any hazardous waste exceeding the 90 day storage limitation and ensure it is delivered to an authorized treatment, storage, or disposal facility, in accordance with 30 Tex. ADMIN. Code § 335.2(b).

- b. Within 30 days after the effective date of the Commission Order, Effluent shall:
  - i. Ensure that hazardous waste storage tanks are in compliance with secondary containment requirements, in accordance with 30 Tex. ADMIN. CODE § 335.69(a) and 40 CFR § 265.190;
  - ii. Conduct an appropriate hazardous waste determination on all wastes generated at the Facility;
  - iii. Provide additional training to personnel in order to ensure that hazardous waste containers are closed, except when necessary to add or remove waste and to ensure that containers holding ignitable waste are at least fifty feet from the Facility's property, in accordance with 40 CFR §§ 265.173 and 265.176;
  - iv. Provide written assessment reviewed and certified by an independent, qualified, registered professional engineer attesting that the in-ground tank and the on-site storage tank #330 have sufficient structural integrity and are acceptable for the storing and treating of hazardous waste, in accordance with 40 CFR § 265.192; and
  - v. Provide additional training to personnel in order to ensure that notification of reportable discharges or spills are made as required by 30 Tex. ADMIN. CODE §§ 327.3(b) and 327.5(c).
- c. Within 45 days after the effective date of the Commission Order, Effluent shall:
  - i. Submit an administratively complete used oil transportation and storage registration application form, and meet all requirements, including labeling and secondary containment, in accordance with 30 Tex. ADMIN. CODE ch. 324 to:

Registration and Reporting Section, MC 129
Permitting and Remediation Support Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

ii. Submit documentation that demonstrates acceptable financial assurance for soil remediation, in accordance with 30 Tex. ADMIN. CODE §§ 37.2011 and 324.22(b), (c), and (e), to:

Financial Assurance Team, MC 184 Texas Commission on Environmental Quality P.O. Box 13807 Austin, Texas 78711-3087

- d. Within 60 days after the effective date of the Commission Order, Effluent shall bring the existing UST tank into compliance with applicable UST rules and regulations or have it properly removed by a licensed/registered contractor, in accordance with 30 Tex. Admin. Code § 334.47(a)(2);
- e. Within 90 days after the effective date of the Commission Order, Effluent shall submit to the Executive Director for approval an Affected Property Assessment Report ("APAR"), pursuant to 30 Tex. ADMIN. Code § 350.91, and, if response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program ("TRRP") found in 30 Tex. ADMIN. Code ch. 350 which may include: plans, reports, and notices under Subchapter E (30 Tex. ADMIN. Code §§ 350.92 to 350.96); financial assurance (30 Tex. Admin. Code § 350.33(1)); and Institutional Controls under Subchapter F, to:

Remediation Division, MC 225
Texas Commission on Environmental Quality
P.O. Box 13807
Austin, Texas 78711-3087

f. Within 105 days after the effective date of the Commission Order, Effluent shall submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Effluent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Sam Barrett, Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2301 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon Effluent. Effluent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If Effluent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Effluent's failure to comply is not a violation of this Agreed Order. Effluent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Effluent shall notify the Executive Director within seven days after Effluent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Effluent shall be made in writing to the Executive Director. Extensions are not effective until Effluent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Effluent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be

transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't. Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Effluent, or three days after the date on which the Commission mails notice of the Order to Effluent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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	For the Executive Director		Date		
	DOCKET	<b>.</b>			
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* ,	authorized to agree to the attached A	=	• • • • • • • • • • • • • • • • • • • •	-	
	signature, and I do agree to the terms	_		_	
Second Const	TCEQ, in accepting payment for the	penalty amount,	is materially relying on suc	n representation.	
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design of the	I also understand that my failure to co			this order and/or	
	Effluent's failure to timely pay the p	enaity amount, m	ay result in:		
	A 17 CT				
Maria 18.77	\$ A negative impact on Effluer				
view is t	S Greater scrutiny of any permi				
	For the Referral of this case to the Attorney General's office for contempt, injunctive relief,				
	<del>-</del>	additional penalties, and/or attorney fees, or to a collection agency;			
	\$ Increased penalties in any future enforcement actions against Effluent; \$ Automatic referral to the Attorney General's Office of any future enforcement actions again Effluent; and \$ TCEQ seeking other relief as authorized by law.				
	Regard Section Con-	· • • · · · · · · · · • • · · · · · · ·			
	In addition, I understand that any fals	sincation of any co	omphance documents may	result in criminal	
	prosecution TChQ. in A	j			
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	Signature  Hillouite		Date		
	Michael W. Marti	~	Vice President		
	Name (Printed or typed)	<b>Z</b> Y			
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